

Senate Engrossed

regulatory costs; rulemaking; legislative ratification

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

SENATE BILL 1153

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 41-1049. Proposed rulemaking; regulatory costs; legislative
5 ratification; applicability

6 A. NOTWITHSTANDING ANY OTHER LAW, AN AGENCY SHALL SUBMIT A PROPOSED
7 RULE THAT IS ESTIMATED TO INCREASE REGULATORY COSTS IN THIS STATE BY MORE
8 THAN \$100,000 WITHIN FIVE YEARS AFTER IMPLEMENTATION TO THE OFFICE OF
9 ECONOMIC OPPORTUNITY FOR REVIEW. IF THE OFFICE OF ECONOMIC OPPORTUNITY
10 CONFIRMS THAT THE PROPOSED RULE IS ESTIMATED TO INCREASE REGULATORY COSTS
11 IN THIS STATE BY MORE THAN \$500,000 WITHIN FIVE YEARS AFTER
12 IMPLEMENTATION, THE PROPOSED RULE MAY NOT BECOME EFFECTIVE UNTIL THE
13 LEGISLATURE ENACTS LEGISLATION RATIFYING THE PROPOSED RULE.

14 B. THE OFFICE OF ECONOMIC OPPORTUNITY SHALL SUBMIT THE PROPOSED
15 RULE TO THE ADMINISTRATIVE RULES OVERSIGHT COMMITTEE NOT LATER THAN THIRTY
16 DAYS BEFORE THE NEXT REGULAR LEGISLATIVE SESSION. THE COMMITTEE MUST
17 SUBMIT THE PROPOSED RULE TO THE LEGISLATURE AS SOON AS PRACTICABLE.

18 C. ANY MEMBER OF THE LEGISLATURE MAY INTRODUCE LEGISLATION TO
19 RATIFY THE PROPOSED RULE. THE PROPOSED RULE IS EXEMPT FROM SECTION
20 41-1024, SUBSECTION B.

21 D. THE AGENCY MAY NOT FILE A FINAL RULE WITH THE SECRETARY OF STATE
22 BEFORE OBTAINING LEGISLATIVE APPROVAL OF THE RULE THROUGH LEGISLATION
23 RATIFYING THE PROPOSED RULE. IF THE LEGISLATURE DOES NOT ENACT
24 LEGISLATION TO RATIFY THE PROPOSED RULE DURING THE CURRENT LEGISLATIVE
25 SESSION, THE AGENCY SHALL TERMINATE THE PROPOSED RULEMAKING BY PUBLISHING
26 A NOTICE OF TERMINATION IN THE REGISTER.

27 E. IF A PERSON IS REGULATED BY AN AGENCY THAT IS PROPOSING A RULE,
28 THAT PERSON MAY REQUEST THE OFFICE OF ECONOMIC OPPORTUNITY TO REVIEW THE
29 RULE. A LEGISLATOR MAY ALSO REQUEST THE OFFICE OF ECONOMIC OPPORTUNITY TO
30 REVIEW A PROPOSED RULE.

31 F. THIS SECTION DOES NOT APPLY TO EMERGENCY RULES ADOPTED PURSUANT
32 TO SECTION 41-1026.

33 G. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, A RULE
34 PRESCRIBED BY SUBSECTION A OF THIS SECTION IS VOID AND UNENFORCEABLE
35 UNLESS THE RULE IS RATIFIED AS PRESCRIBED BY THIS SECTION.

36 H. THIS SECTION DOES NOT APPLY TO THE CORPORATION COMMISSION.