

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2052

(Reference to printed resolution)

1 Strike everything after the resolving clause and insert:

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

5 AN ACT

6 AMENDING SECTION 41-1039, ARIZONA REVISED STATUTES; RELATING TO
7 RULEMAKING.

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

9 Section 1. Section 41-1039, Arizona Revised Statutes, is
10 amended to read:

11 41-1039. State agency rulemaking; governor approval;
12 submission; legislative rejection; definition

13 A. Notwithstanding any other law, a state agency may not
14 conduct any rulemaking, including regular, expedited, informal,
15 formal, emergency or exempt rulemaking, without prior written
16 approval of the governor. In seeking approval, a state agency
17 shall address any of the following as justification for the
18 rulemaking:

19 1. Fulfilling an objective related to job creation,
20 economic development or economic expansion in this state.

21 2. Reducing or ameliorating a regulatory burden on the
22 public, while achieving the same regulatory objective.

1 3. Preventing a significant threat to public health,
2 peace or safety.

3 4. Avoiding violating a court order or federal law that
4 would result in sanctions by a federal court for failure to
5 conduct the rulemaking action.

6 5. Complying with a new state statutory or regulatory
7 requirement if the compliance is related to a condition for ~~the~~
8 receiving federal monies or participating in any federal
9 program.

10 6. Complying with a new or existing state statutory
11 requirement.

12 7. Fulfilling an obligation related to fees or any other
13 action necessary to implement the state budget that is
14 certified by the governor's office of strategic planning and
15 budgeting.

16 8. Adopting a rule or other item that is exempt from
17 this chapter.

18 9. Matters pertaining to the control, mitigation or
19 eradication of waste, fraud or abuse within a state agency or
20 wasteful, fraudulent or abusive activities perpetrated against
21 a state agency.

22 10. Eliminating rules that are antiquated, redundant or
23 otherwise no longer necessary for the operation of state
24 government.

25 B. After the public comment period and the close of the
26 rulemaking record, a state agency may not submit the proposed
27 rules to the council without a written final approval from the
28 governor. Before considering rules submitted by a state
29 agency, the council must obtain from the state agency the
30 initial approval pursuant to subsection A of ~~the~~ THIS section
31 and the final approval required by this subsection.

1 C. Notwithstanding any other law, a state agency that
2 submits a rulemaking request shall recommend for consideration
3 by the governor at least three existing rules to eliminate for
4 every additional rule requested by the state agency. The
5 requirements of this subsection do not apply to rules that are
6 necessary to secure or maintain assumption of federal
7 regulatory programs, rules that are necessary to comply with an
8 auditor general recommendation or rules that are necessary to
9 address a new statutory requirement.

10 D. A state agency may not publicize any directives,
11 policy statements, documents or forms on its website unless the
12 directive, policy statement, document or form is authorized by
13 statute or rule. A state agency shall remove material not
14 authorized by statute or rule from its website on September 24,
15 2022.

16 E. NOTWITHSTANDING ANY OTHER LAW, THE LEGISLATURE MAY
17 REJECT, BY CONCURRENT RESOLUTION, A RULE THAT IS APPROVED BY
18 THE COUNCIL AND THAT BECOMES EFFECTIVE PURSUANT TO THIS
19 ARTICLE. IF THE LEGISLATURE REJECTS THE RULE BY CONCURRENT
20 RESOLUTION, THE RULE IS VOID.

21 ~~E.~~ F. For the purposes of this section, "state agency":
22 1. Includes all executive departments, agencies and
23 offices and all state boards and commissions.
24 2. Does not include:
25 (a) A state agency that is headed by a single elected
26 state official.
27 (b) The corporation commission.
28 (c) Any board or commission established by ballot
29 measure at or after the November 1998 general election.
30 (d) The judiciary.

- 1 2. The Secretary of State shall submit this proposition to the
- 2 voters at the next general election as provided by article IV, part 1,
- 3 section 1, Constitution of Arizona."
- 4 Amend title to conform

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