

REFERENCE TITLE: state agency rule making; moratorium

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1171

Introduced by
Senators Pearce, Gorman, Gray C: Allen S, Verschoor; Representative Court

AN ACT

AMENDING TITLE 41, CHAPTER 6, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1021.03; PROVIDING FOR THE DELAYED REPEAL OF SECTION 41-1021.03, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; RELATING TO STATE AGENCY RULE MAKING.

(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 3, Arizona Revised Statutes,
3 is amended by adding section 41-1021.03, to read:

4 41-1021.03. Moratorium on rule making relating to increased
5 monetary or regulatory costs; exceptions

6 A. NOTWITHSTANDING ANY OTHER LAW, AN AGENCY SHALL NOT CONDUCT ANY RULE
7 MAKING THAT WOULD IMPOSE INCREASED MONETARY OR REGULATORY COSTS ON OTHER
8 STATE AGENCIES, POLITICAL SUBDIVISIONS OF THIS STATE, BUSINESSES OR
9 INDIVIDUALS.

10 B. SUBSECTION A DOES NOT APPLY TO RULE MAKING FOR ANY OF THE
11 FOLLOWING:

12 1. TO AVOID A VIOLATION OF A COURT ORDER OR FEDERAL LAW THAT WOULD
13 RESULT IN SANCTIONS BY THE COURT OR FEDERAL GOVERNMENT TO AN AGENCY IN FISCAL
14 YEAR 2009-2010 FOR FAILURE TO CONDUCT THE RULE MAKING ACTION.

15 2. TO PREVENT AN IMMINENT THREAT TO THE PUBLIC HEALTH OR SAFETY. FOR
16 THE PURPOSES OF THIS PARAGRAPH, "IMMINENT THREAT TO THE PUBLIC HEALTH OR
17 SAFETY" MEANS THE EXISTENCE OF A CONDITION, CIRCUMSTANCE OR PRACTICE THAT
18 WOULD CAUSE DEATH, SERIOUS ILLNESS OR SEVERE INJURY TO HUMANS DURING FISCAL
19 YEAR 2009-2010.

20 Sec. 2. Delayed repeal

21 Section 41-1021.03, Arizona Revised Statutes, as added by this act, is
22 repealed from and after June 30, 2010.