

*Sponsorship has changed since the bill was introduced

REFERENCE TITLE: rulemaking; legislative approval

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2471

*Introduced by
Representatives McGarr: Chaplik, Hendrix, Jones, Kolodin, Parker B, Smith;
Senator Wadsack

AN ACT

AMENDING SECTION 41-1039, ARIZONA REVISED STATUTES; 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. Section 41-1039, Arizona Revised Statutes, is amended to
3 read:

4 41-1039. State agency rulemaking; governor approval;
5 submission; legislative approval; definition

6 A. Notwithstanding any other law, a state agency may not conduct
7 any rulemaking, including regular, expedited, informal, formal, emergency
8 or exempt rulemaking, without prior written approval of the governor. In
9 seeking approval, a state agency shall address any of the following as
10 justification for the rulemaking:

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

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

15 3. Preventing a significant threat to public health, peace or
16 safety.

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

20 5. Complying with a new state statutory or regulatory requirement
21 if the compliance is related to a condition for ~~the~~ receiving federal
22 monies or participating in any federal program.

23 6. Complying with a new or existing state statutory requirement.

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

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

28 9. Matters pertaining to the control, mitigation or eradication of
29 waste, fraud or abuse within a state agency or wasteful, fraudulent or
30 abusive activities perpetrated against a state agency.

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

33 B. After the public comment period and the close of the rulemaking
34 record, a state agency may not submit the proposed rules to the council
35 without a written final approval from the governor. Before considering
36 rules submitted by a state agency, the council must obtain from the state
37 agency the initial approval pursuant to subsection A of ~~the~~ THIS section
38 and the final approval required by this subsection.

39 C. Notwithstanding any other law, a state agency that submits a
40 rulemaking request shall recommend for consideration by the governor at
41 least three existing rules to eliminate for every additional rule
42 requested by the state agency. The requirements of this subsection do not
43 apply to rules that are necessary to secure or maintain assumption of
44 federal regulatory programs, rules that are necessary to comply with an

1 auditor general recommendation or rules that are necessary to address a
2 new statutory requirement.

3 D. A state agency may not publicize any directives, policy
4 statements, documents or forms on its website unless the directive, policy
5 statement, document or form is authorized by statute or rule. A state
6 agency shall remove material not authorized by statute or rule from its
7 website on September 24, 2022.

8 E. NOTWITHSTANDING ANY OTHER LAW, AFTER APPROVAL BY THE COUNCIL,
9 THE COUNCIL SHALL SUBMIT ANY RULEMAKING, INCLUDING REGULAR, EXPEDITED,
10 INFORMAL, FORMAL, EMERGENCY OR EXEMPT RULEMAKING TO THE LEGISLATURE FOR
11 FINAL APPROVAL. IF THE LEGISLATURE APPROVES THE RULE BY A MAJORITY VOTE
12 IN EACH CHAMBER, THE RULE BECOMES EFFECTIVE. IF THE LEGISLATURE DOES NOT
13 APPROVE THE RULE BY A MAJORITY VOTE IN EACH CHAMBER, THE RULE DOES NOT
14 BECOME EFFECTIVE.

15 ~~E.~~ F. For the purposes of this section, "state agency":

16 1. Includes all executive departments, agencies and offices and all
17 state boards and commissions.

18 2. Does not include:

19 (a) A state agency that is headed by a single elected state
20 official.

21 (b) The corporation commission.

22 (c) Any board or commission established by ballot measure at or
23 after the November 1998 general election.

24 (d) The judiciary.