REFERENCE TITLE: rulemaking; legislative ratification; regulatory costs

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HCR 2038

Introduced by
Representative Kolodin

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO RULEMAKING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

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

AN ACT

AMENDING TITLE 41, CHAPTER 6, ARTICLE 4.1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-1049 AND 41-1049.01; RELATING TO RULEMAKING.

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

Section 1. Title 41, chapter 6, article 4.1, Arizona Revised Statutes, is amended by adding sections 41-1049 and 41-1049.01, to read:

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

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

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

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

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

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

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

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

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

41-1049.01. Legislative rule removal; rule assessment; definition

A. NOTWITHSTANDING ANY OTHER LAW, THE LEGISLATURE MAY ELIMINATE ANY AGENCY RULE THAT COSTS TAXPAYERS MORE THAN $1,000,000 PER YEAR BY CONCURRENT RESOLUTION.

B. CITIZENS OR BUSINESSES IN THIS STATE THAT ARE AFFECTED BY A RULE MAY REQUEST THE OFFICE OF ECONOMIC OPPORTUNITY TO CONDUCT AN ASSESSMENT OF A RULE'S IMPACT ON TAXPAYERS. THE OFFICE OF ECONOMIC OPPORTUNITY SHALL COMPLETE THE ASSESSMENT AND NOTIFY THE ADMINISTRATIVE RULES OVERSIGHT COMMITTEE, THE PUBLIC AND THE LEGISLATURE OF THE OFFICE'S FINDINGS WITHIN SIX MONTHS.

C. FOR THE PURPOSES OF THIS SECTION, "RULE" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-1001.

Sec. 2. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application and to this end the provisions of this act are severable.

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