



# ARIZONA HOUSE OF REPRESENTATIVES

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Senate: GOV DPA 5-2-1-0 | 3<sup>rd</sup> Read 16-12-2-0

House: RA DP 4-2-0-1

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## **SB 1343: agency review; rules; automatic expiration**

**Sponsor: Senator Petersen, LD 14**

**House Engrossed**

### **Overview**

Outlines requirements relating to agency review of rules.

### **History**

Under the Administrative Procedures Act (APA), the established Governor's Regulatory Review Council (GRRC) retains the authority to approve or disapprove any agency's proposed rule, the preamble to the rule and the economic, small business and consumer impact statement for the rule ([A.R.S. § 41-1052](#)).

The APA is a group of statutes that governs how state agencies do rule making. Statute defines *Rule* as an agency's assertion that implements, interprets and prescribes policy and its procedures, excluding non-delegation agreements ([Title 41, Chapter 6, A.R.S.](#)).

Current law states that if an agency fails to submit a report, file an extension before the due date of the report or files an extension and does not submit its report within the extension period, the rule scheduled for review will expire and directs GRRC to:

- 1) cause a notice to be published in the next register that states that the rule has expired and is no longer enforceable;
- 2) notify the Secretary of State that the rule has expired and needs to be removed from the code; and
- 3) notify the agency the rule has expired and is no longer enforceable ([A.R.S. § 41-1056](#)).

### **Provisions**

1. Prescribes that any analysis performed as part of a review of an agency rule that examines the economic impact, compliance, implementation or other costs of the rule, to the greatest extent possible must use actual impacts and costs from the past five years the rule has been in effect, as the basis for any calculation rather than only using estimated impacts and costs. (Sec. 3)
2. Stipulates that any rule regarding occupational licenses adopted by an agency must automatically expire at the conclusion of the five-year review, unless the agency performs a review pursuant to statute and does the following:
  - a) readopts the code chapter;
  - b) publishes an evaluation of the burdens on similar occupational licenses in all states that border Arizona and justifies any instance where Arizona imposes a greater burden on a licensee than any neighboring states; and
  - c) publishes a report available on the agency's website that includes analyses and responses to public comments. (Sec. 3)

3. Exempts rules that are required to comply with federal law or receive federal monies from automatic expiration. (Sec. 3)
4. Applies current statute relating to the expiration of a rule to an occupational licensing agency that has not timely adopted its rules. (Sec. 3)
5. Makes technical and conforming changes. (Sec. 1-3)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note