



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: GOV DP 5-2-1-0 | 3rd Read 16-13-1-0

House: RA DP 4-3-0-0

SCR1012: rulemaking; legislative ratification; regulatory costs

Sponsor: Senator Kern, LD 27

Caucus & COW

Overview

Submits a proposition regarding legislative ratification of proposed rules to the voters.

History

The mission of the Office of Economic Opportunity (OEO) is to expand economic opportunities for people in Arizona by leading the analysis and evaluation of Arizona's population and economy and investing in communities to power the state's economic growth ([OEO](#)).

The Administrative Rules Oversight Committee (AROC) has authority to review any proposed or final rule for conformity with statute and legislative intent. AROC additionally receives complaints concerning statutes, rules, agency practices and substantive policy statements that are alleged to be duplicative or onerous and may hold hearings regarding the allegations (A.R.S. §§ [41-1047](#), [41-1048](#)).

A similar bill was introduced in the 56th Legislature, 1st Regular Session and was [vetoed](#) by the Governor (SB 1255 regulatory costs; rulemaking; ratification).

Provisions

1. Directs an agency to submit a proposed rule to OEO for review if the rule is estimated to increase state regulatory costs by more than \$100,000 within five years after implementation.
2. Specifies that when OEO confirms a proposed rule is estimated to increase state regulatory costs by more than \$500,000 within five years after the rule's implementation, the rule becomes effective only when the Legislature ratifies the proposed rule.
3. Instructs OEO to submit the proposed rule to AROC no later than 30 days before the next regular legislative session.
4. Stipulates that AROC must submit the proposed rule to the Legislature as soon as practicable.
5. Authorizes any member of the Legislature to introduce legislation to ratify the proposed rule and exempts the proposed rule from statute relating to the time and manner of rulemaking.
6. Prohibits an agency from filing a final rule with the Secretary of State before obtaining legislative approval through legislation ratifying the proposed rule.

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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7. Requires an agency to publish a notice of termination in the register and terminate the proposed rulemaking if the Legislature does not enact legislation to ratify the proposed rule during the current legislative session.
8. Allows a person who is regulated by an agency proposing a rule or a legislator to request OEO to review the rule.
9. Exempts emergency rules adopted pursuant to statute from the legislative ratification requirements on rulemaking.
10. States that, beginning on the general effective date, a rule is void and unenforceable unless the rule is ratified as prescribed.
11. Excludes the Arizona Corporation Commission from the requirements of legislative ratification of proposed rules.
12. Directs the Secretary of State to submit this proposition to the voters at the next general election.

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