



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2471: rulemaking; legislative approval

Sponsor: Representative McGarr, LD 17

Committee on Regulatory Affairs

Overview

Requires the approval process for any new rulemaking to be by a majority vote of the Legislature after being approved by the Governor's Regulatory Review Council (Council).

History

Statute prohibits state agencies from conducting rulemaking without prior written approval of the Governor. State agencies may not adopt any new rule that would increase existing regulatory burdens on the free exercise of property rights or the freedom to engage in lawful business or occupation unless: 1) the rule reduces regulatory restraints or burdens; or 2) is necessary to implement statutes or is required by a final court order or decision (A.R.S. §§ [41-1038](#), [41039](#)).

Prior to submitting rulemaking to the Council, state agencies must hold a public comment period and receive final written approval from the Governor. The Council cannot consider rules submitted by state agencies without receiving the Governor's initial and final approval of the rulemaking. Additionally, state agencies must also recommend three rules for the Governor to eliminate for every additional rule requested. Rules that are necessary to secure or maintain assumption of federal regulatory programs, comply with an auditor general recommendation or address a new statutory requirement are exempt from consideration. State agencies additionally may not publicize any directives, policy statements, documents or forms on its website unless authorized by statute or rule ([A.R.S. § 41-1039](#)).

The [Council](#) is comprised of seven members appointed by the Governor. Their primary responsibilities are reviewing new rules or amendments proposed by state agencies and reviewing existing agency rules every five years on a rotating basis to determine if they are still necessary and effective.

Provisions

1. Requires the Council to submit any regular, expedited, informal, formal, emergency or exempt rulemaking to the Legislature for final approval. (Sec. 1)
2. States that the rule becomes effective upon receiving a majority vote in each chamber, and if the rule fails to receive a majority vote in both chambers, the rule does not become effective. (Sec. 1)
3. Makes technical changes. (Sec. 1)

<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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