



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: GOV DP 7-2-0-0

## **HB 2491: administrative rules oversight committee; dissent**

**Sponsor: Representative Bliss, LD 1**

**House Engrossed**

### **Overview**

Modifies statute relating to rulemaking.

### **History**

The Administrative Procedures Act (APA) is a group of statutes that governs how state agencies do rulemaking ([A.R.S. § 41-1001](#) - [A.R.S. § 41-1092.12](#)). Under the 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](#)). Additionally, the APA establishes the Administrative Rules Oversight Committee (Committee) and authorizes the Committee to hold hearings over statutes, rules, agency practices or substantive policy statements alleged to be duplicative or onerous ([A.R.S. § 41-1048](#)).

### **Provisions**

1. Authorizes a person to file a complaint with the Committee about a statute, rule or practice that contains a rule or substantive policy that is alleged to be duplicative *and* inconsistent with legislative intent or beyond an agency's statutory authority. (Sec. 1)
2. Requires the Secretary of State to prepare and publish a filed dissent letter with the corresponding rule in the code and register. (Sec. 2)
3. Applies procedures of affixing the time and date of filing documents to the filing of a dissent letter. (Sec. 3)
4. Asserts that dissent letters filed with the Secretary of State must be kept on permanent record in the Secretary of State's Office with the time and date of filing. (Sec. 3)
5. Adds that the Committee must receive complaints about statutes, rules, agency practices and substantive policy statements that are alleged to be inconsistent with legislative intent or beyond an agency's statutory authority. (Sec. 4)
6. Permits the Committee to make recommendations on statutes, rules, agency practices or substantive policy statements to ensure consistency with legislative intent. (Sec. 4)
7. Allows the Committee to prepare a dissent letter that expresses disagreement with statutes, rules, agency practices or substantive policy statements that are alleged to be duplicative, onerous, inconsistent with legislative intent or beyond an agency's statutory authority. (Sec. 4)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note

8. Stipulates that a dissent letter must be filed with the Secretary of State and placed in code. (Sec. 4)
9. Requires the Committee to prepare a report to the Legislature each year that recommends legislation that ensures consistency with legislative intent. (Sec. 4)
10. Increases the number of members in GRRC, from six to eight. (Sec. 5)
11. Modifies the membership of GRRC to include *two* non-legislative members submitted by the President of the Senate and *two* non-legislative members submitted by the Speaker of the House of Representatives. (Sec. 5)
12. Makes technical and conforming changes. (Sec. 1, 3-5)