



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2491

administrative rules oversight committee; dissent

Purpose

Modifies the duties of the Administrative Rules Oversight Committee (Committee) and the membership of the Governor's Regulatory Review Council (GRRC).

Background

Statute outlines administrative procedures relating to rulemaking ([A.R.S. Title 41, Chapter 6](#)). GRRC is established consisting of six Governor-appointed members, including one member from a list of three persons who are not legislators submitted by the President of the Senate and one member from a list of three persons who are not legislators submitted by the Speaker of the House of Representatives. GRRC must review and approve or return, in whole or in part, a rule, preamble or economic, small business and consumer impact statement. GRRC must not approve a rule that is inconsistent with legislative intent or beyond the agency's statutory authority. Any rule must be submitted to the Committee. The Committee may review any proposed rule, final rule, expedited rule, agency practice alleged to constitute a rule or substantive policy statement to ensure conformity with statute and legislative intent. The Committee may make comments and designate a representative to testify on whether the outlined rule is consistent with statute or legislative intent to GRRC. GRRC must consider the comments and testimony of the Committee (A.R.S. §§ [41-1047](#) and [41-1052](#)).

Under the Regulatory Bill of Rights, a person, to ensure fair and open regulation by state agencies, may file a complaint with the Committee concerning: 1) a rule's, practice's or substantive policy statement's lack of conformity with statute or legislative intent; or 2) an existing statute, rule, practice alleged to constitute a rule or substantive policy statement that is alleged to be duplicative or onerous. The Committee must receive complaints concerning statutes, rules, agency practices alleged to constitute rules and substantive policy statements that are alleged to be duplicative or onerous. The Committee may review any statutes, rules, agency practices alleged to constitute rules or substantive policy statements alleged to be duplicative or onerous and may hold hearings regarding the allegations. The Committee may comment to an agency, the Attorney General, GRRC or the Legislature on whether the statutes, rules, agency practices alleged to constitute rules or substantive policy statements are duplicative or onerous. The comments may include committee recommendations for alleviating the duplicative or onerous aspects of the statutes, rules, agency practices alleged to constitute rules and substantive policy statements. The Committee must prepare an annual report to the Legislature recommending legislation to alleviate the effects of duplicative or onerous statutes, rules, agency practices alleged to constitute rules and substantive policy statements (A.R.S. §§ [41-1001.01](#) and [41-1048](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

GRRC

1. Increases, from six to eight, the number of members on GRRC who are appointed by the Governor.
2. Increases, from one to two, the number of Governor-appointed GRRC members selected from a list of three persons who are not legislators submitted by the President of the Senate.
3. Increases, from one to two, the number of Governor-appointed GRRC members selected from a list of three persons who are not legislators submitted by the Speaker of the House of Representatives.

Committee

4. Allows a person to file a complaint with the Committee concerning an existing statute, rule, practice alleged to constitute a rule or substitutive policy statement that is alleged to be:
 - a) inconsistent with legislative intent; or
 - b) beyond an agency's statutory authority.
5. Requires the Committee to receive complaints concerning statutes, rules, agency practices alleged to constitute rules and substantive policy statements that are alleged to be:
 - a) inconsistent with legislative intent; or
 - b) beyond an agency's statutory authority.
6. Allows the Committee to review any statutes, rules, agency practices alleged to constitute rules or substantive policy statements alleged to be:
 - a) inconsistent with legislative intent; or
 - b) beyond an agency's statutory authority.
7. Allows the Committee to comment to an agency, the Attorney General, GRRC or the Legislature on whether statutes, rules, agency practices alleged to constitute rules or substantive policy statements are:
 - a) inconsistent with legislative intent; or
 - b) beyond an agency's statutory authority.
8. Allows the Committee to prepare a dissent letter expressing disagreement with statute, rules, agency practices alleged to constitute rules or substantive policy statements that are duplicative, onerous, inconsistent with legislative intent or beyond an agency's statutory authority.
9. Requires the dissent letter to be filed with the Secretary of State (SOS) and placed in the code.
10. Requires the SOS to prepare and publish the dissent letter in with the corresponding rule in the code and register.
11. Requires the SOS, following the filing of the dissent letter by the committee, to affix to each dissent letter the time and date of filing.

12. Requires the SOS to keep a permanent record of dissent letters filed with the office.
13. Requires the Committee's annual report to the Legislature to include recommended legislation to ensure consistency with legislative intent.

Miscellaneous

14. Makes technical and conforming changes.
15. Becomes effective on the general effective date.

House Action

GOV	2/7/24	DP	7-2-0-0
3 rd Read	2/26/24		32-24-3-0-1

Prepared by Senate Research
March 18, 2024
JT/slp