

COMMITTEE ON REGULATORY OVERSIGHT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2038
(Reference to printed resolution)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The resolution as proposed to be amended is reprinted as follows:

2 1. Under the power of the referendum, as vested in the Legislature,
3 the following measure, relating to rulemaking, is enacted to become valid
4 as a law if approved by the voters and on proclamation of the Governor:

5 AN ACT

6 AMENDING TITLE 41, CHAPTER 6, ARTICLE 4.1, ARIZONA REVISED
7 STATUTES, BY ADDING SECTION 41-1049.01; RELATING TO
8 RULEMAKING.

9 Be it enacted by the Legislature of the State of Arizona:

10 Section 1. Title 41, chapter 6, article 4.1, Arizona
11 Revised Statutes, is amended by adding [~~sections 41-1049 and~~]
12 [~~section~~] 41-1049.01, to read:

13 [~~41-1049. Proposed rulemaking; regulatory costs;~~
14 ~~legislative ratification; applicability~~

15 A. ~~NOTWITHSTANDING ANY OTHER LAW, AN AGENCY SHALL~~
16 ~~SUBMIT TO THE OFFICE OF ECONOMIC OPPORTUNITY FOR REVIEW A~~
17 ~~PROPOSED RULE THAT IS ESTIMATED TO INCREASE REGULATORY COSTS~~
18 ~~IN THIS STATE BY MORE THAN \$100,000 WITHIN FIVE YEARS AFTER~~
19 ~~IMPLEMENTATION. IF THE OFFICE OF ECONOMIC OPPORTUNITY~~
20 ~~CONFIRMS THAT THE PROPOSED RULE IS ESTIMATED TO INCREASE~~
21 ~~REGULATORY COSTS IN THIS STATE BY MORE THAN \$500,000 WITHIN~~
22 ~~FIVE YEARS AFTER IMPLEMENTATION, THE PROPOSED RULE MAY NOT~~
23 ~~BECOME EFFECTIVE UNTIL THE LEGISLATURE ENACTS LEGISLATION~~
24 ~~RATIFYING THE PROPOSED RULE.~~

25 B. ~~THE OFFICE OF ECONOMIC OPPORTUNITY SHALL SUBMIT THE~~
26 ~~PROPOSED RULE TO THE ADMINISTRATIVE RULES OVERSIGHT COMMITTEE~~
27 ~~NOT LATER THAN THIRTY DAYS BEFORE THE NEXT REGULAR LEGISLATIVE~~

1 ~~SESSION. THE COMMITTEE MUST SUBMIT THE PROPOSED RULE TO THE~~
2 ~~LEGISLATURE AS SOON AS PRACTICABLE.~~

3 ~~C. ANY MEMBER OF THE LEGISLATURE MAY INTRODUCE~~
4 ~~LEGISLATION TO RATIFY THE PROPOSED RULE. THE PROPOSED RULE IS~~
5 ~~EXEMPT FROM SECTION 41-1024, SUBSECTION B.~~

6 ~~D. THE AGENCY MAY NOT FILE A FINAL RULE WITH THE~~
7 ~~SECRETARY OF STATE BEFORE OBTAINING LEGISLATIVE APPROVAL OF~~
8 ~~THE RULE THROUGH LEGISLATION RATIFYING THE PROPOSED RULE. IF~~
9 ~~THE LEGISLATURE DOES NOT ENACT LEGISLATION TO RATIFY THE~~
10 ~~PROPOSED RULE DURING THE CURRENT LEGISLATIVE SESSION, THE~~
11 ~~AGENCY SHALL TERMINATE THE PROPOSED RULEMAKING BY PUBLISHING A~~
12 ~~NOTICE OF TERMINATION IN THE REGISTER.~~

13 ~~E. IF A PERSON IS REGULATED BY AN AGENCY THAT IS~~
14 ~~PROPOSING A RULE, THAT PERSON MAY REQUEST THE OFFICE OF~~
15 ~~ECONOMIC OPPORTUNITY TO REVIEW THE RULE. A LEGISLATOR MAY~~
16 ~~ALSO REQUEST THE OFFICE OF ECONOMIC OPPORTUNITY TO REVIEW A~~
17 ~~PROPOSED RULE.~~

18 ~~F. THIS SECTION DOES NOT APPLY TO EMERGENCY RULES~~
19 ~~ADOPTED PURSUANT TO SECTION 41-1026.~~

20 ~~G. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, A~~
21 ~~RULE PRESCRIBED BY SUBSECTION A OF THIS SECTION IS VOID AND~~
22 ~~UNENFORCEABLE UNLESS THE RULE IS RATIFIED AS PRESCRIBED BY~~
23 ~~THIS SECTION.~~

24 ~~H. THIS SECTION DOES NOT APPLY TO THE CORPORATION~~
25 ~~COMMISSION.]~~

26 41-1049.01. Legislative rule removal; rule assessment;
27 definition

28 A. NOTWITHSTANDING ANY OTHER LAW, THE LEGISLATURE MAY
29 ELIMINATE ANY AGENCY RULE THAT COSTS TAXPAYERS MORE THAN
30 \$1,000,000 PER YEAR BY CONCURRENT RESOLUTION.

31 B. CITIZENS OR BUSINESSES IN THIS STATE THAT ARE
32 AFFECTED BY A RULE MAY REQUEST THE OFFICE OF ECONOMIC
33 OPPORTUNITY TO CONDUCT AN ASSESSMENT OF A RULE'S IMPACT ON
34 TAXPAYERS. THE OFFICE OF ECONOMIC OPPORTUNITY SHALL COMPLETE
35 THE ASSESSMENT AND NOTIFY THE ADMINISTRATIVE RULES OVERSIGHT
36 COMMITTEE, THE PUBLIC AND THE LEGISLATURE OF THE OFFICE'S
37 FINDINGS WITHIN SIX MONTHS.

38 C. FOR THE PURPOSES OF THIS SECTION, "RULE" HAS THE
39 SAME MEANING PRESCRIBED IN SECTION 41-1001.

40 Sec. 2. Severability

41 If a provision of this act or its application to any
42 person or circumstance is held invalid, the invalidity does
43 not affect other provisions or applications of the act that
44 can be given effect without the invalid provision or
45 application and to this end the provisions of this act are
46 severable.

1 2. The Secretary of State shall submit this proposition to the
2 voters at the next general election as provided by article IV, part 1,
3 section 1, Constitution of Arizona.

4 Enroll and engross to conform

5 Amend title to conform

And, as so amended, it do pass

JOSEPH CHAPLIK
CHAIRMAN

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