BASIC PROCESS FOR IMPROVING OUTDATED/UNNECESSARY RULES

To illustrate an example of the regular rulemaking process functioning in an efficient manner, the staff of the Governor’s Regulatory Review Council (Council) has developed the flowchart below. As the particular circumstances surrounding any potential rulemaking may require changes to this process, please contact Council staff with questions as they arise.

1. The Agency determines that a rule or rules should be amended or repealed, rather than expired.
2. The Agency works with its Policy Advisor in the Governor's Office to obtain an exception from Executive Order 2020-02.
3. If appropriate, the Agency notifies stakeholders of its intention to enter into a rulemaking, and seeks stakeholder input.
5. The Agency determines if, under A.R.S. 41-1032(A), there is justification for the rules to have an immediate effective date.
6. The Agency reserves a time and venue for an oral proceeding (to be held at the end of the 30-day public comment period).
7. The Agency files a Notice of Docket Opening and a Notice of Proposed Rulemaking with the Secretary of State for publication in the Administrative Register.
8. The Agency fields public comments for at least a 30-day period (beginning on the date that the Notices are published).
9. At the end of the 30-day public comment period, the Agency holds an oral proceeding and closes the rulemaking record.
10. Based on feedback, the Agency may make technical corrections and non-substantial amendments.
11. Within 120 days of the close of record, the Agency submits the proposed rules and EIS to the Council for approval.
12. During a separate required 30-day public comment period, Council Staff reviews the proposed rules and EIS.
13. The rules and EIS are publicly considered by the Council at an upcoming study session and regular meeting.
14. The Council votes on the rules and EIS. A 2/3 voting majority is required to approve an immediate effective date.
15. If approved by the Council, the Agency files a Notice of Final Rulemaking with the Secretary of State for publication in the Administrative Register.