To illustrate an example of the expedited rulemaking process functioning in an efficient manner, the staff of the Governor’s Regulatory Review Council (Council) has developed the flowchart below. To qualify for expedited rulemaking, a rulemaking must meet one of the eight standards in A.R.S. 41-1027(A) and cannot 1) increase the cost of regulatory compliance, 2) increase a fee, OR 3) reduce procedural rights of persons regulated.

The Agency determines that a rule or rules should be created, amended or repealed, and that the rule or rules qualify for expedited rulemaking. ———> The Agency works with its Policy Advisor in the Governor’s Office to obtain an approval from Executive Order 2021-02. ———> Policy Advisor approves or disapproves request to engage in expedited rulemaking. If disapproved, STOP HERE

If appropriate, the Agency notifies stakeholders of its intention to enter into a rulemaking, and seeks stakeholder input. The Agency drafts the proposed rules. No EIS is required for expedited rules. ———> The Agency reserves a time and venue for an oral proceeding (to be held at the end of the 30-day public comment period). ———> In accordance with A.R.S. 41-1027(B), the Agency delivers copies of the Notice of Proposed Expedited Rulemaking to the Governor, the Legislature, and the Council.

The Agency files a Notice of Docket Opening and a Notice of Proposed Expedited Rulemaking with the Secretary of State for publication in the Administrative Register. ———> The Agency and the Council post the Notice of Proposed Expedited Rulemaking on their respective websites. ———> The Agency fields public comments for at least a 30-day period (beginning on the date that the Notice is posted to the Agency’s website).

At the end of the 30-day public comment period, the Agency holds an oral proceeding and closes the rulemaking record. ———> Based on feedback, the Agency may make technical corrections and non-substantial amendments. ———> Agency resubmits amended/corrected proposed rules to the Policy Advisor.

Policy Advisor reviews and approves amended/corrected proposed rules. ———> Within 120 days of the close of record, the Agency submits the proposed rules and both Governor’s office approvals to the Council. During a separate required 30-day public comment period, Council Staff reviews the proposed rules. ———> The Council publicly considers the expedited rulemaking at an upcoming Study Session and Council Meeting. If approved, the Agency files a Notice of Final Expedited Rulemaking with the Secretary of State for publication in the Administrative Register.