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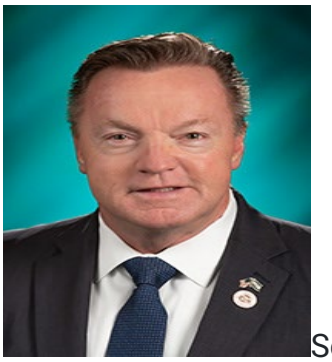
Republicans seek voter approval to let lawmakers override state agency rules

Jakob Thorington Arizona Capitol Times//March 13, 2024//

GOP lawmakers are attempting to circumvent Democratic Gov. Katie Hobbs and ask the voters to approve a measure that reins in the spending of state agencies.

A House panel approved two measures Wednesday that would force state agencies to get legislative approval if a proposed rule is estimated to cost more than $500,000 within five years of the rule's implementation.

The measures, SB1153 and Senate Concurrent Resolution 1012, are identical. But since the bill is likely to be vetoed by Hobbs without any Democratic support, Republicans are hoping to let voters have the final say.

Sen. Anthony Kern, R-Glendale

“We have a big problem out there in our country with unelected agencies, unelected bureaucrats, unelected people,” said the sponsor of both measures, Sen. Anthony Kern, R-Glendale. “We have given a lot of that rulemaking authority to state agencies and a lot of them are unaccountable.”

Kern introduced a similar bill last year during Hobbs’ first year in office. The governor vetoed the measure and wrote in her veto letter that state agencies already follow a “rigorous, transparent, and essential” rule making process.

“If the Legislature disagrees with rules implemented by the state, it can produce legislation to change them,” Hobbs wrote in the veto letter.

Lawmakers can also add legislative intent provisions in the bills they pass to guide state agencies.

Rep. Quanta Crews, D-Phoenix, said the measure could also delay agencies in times of emergency from establishing procedures intended to protect Arizona residents.

Rep. Laurin Hendrix, R-Gilbert, is the chairman of the House Regulatory Affairs Committee that heard Kern’s measures. He said the bill shouldn’t be viewed as a partisan bill and has nothing to do with the current makeup of the legislature and Hobbs.

“It shouldn’t be the current executive defending themselves from the current legislature. That’s going to change in time to come,” Hendrix said. “This is a matter of the legislative branch keeping oversight over the executive.”

But Rep. Sarah Liguori, D-Phoenix, pointed out the bill has only been introduced during the Hobbs’ tenure.

There was also no discussion over the resolution separately. Hendrix informed committee members that they would simply vote on the measure after discussing its bill counterpart since it has identical language. He did not allow committee members to explain their votes for the resolution.

Both measures have passed every vote in the House and Senate so far on party line votes.

If either measure becomes law, agencies will have to submit proposed rules for review by the Office of Economic Opportunity and any rule exceeding the $500,000 figure over five years would then be sent to the Administrative Rules Oversight Committee for further analysis.

The oversight committee is an 11-member body that contains five members appointed by the speaker of the House, five members appointed by the Senate president, and the governor or a designee.

From there, a lawmaker would have to introduce legislation that ratifies a proposed rule.

The strategy of introducing an accompanying concurrent resolution is part of the strategy from Republicans this year to get around Hobbs' 143 vetoes last year.

Kern's resolution is one of 106 concurrent resolutions introduced by lawmakers this session – many of which are identical to bills that Hobbs vetoed last year.

Sen. Priya Sundareshan, D-Tucson, said during a Senate Government committee hearing over the measures that she was concerned with who would be doing the estimates for rule costs since estimates are subjective from the analyst.

"Now we are taking these unanswered questions and we are saying let's just give all this to the voters. Let's tack on one more question to the voters for their ballot in November without having first really figured out what it is that we are asking and planning for," Sundareshan said.

Other similar laws have been passed in other states including Florida, Wisconsin and Utah, known as Regulations from the Executive in Need of Scrutiny (REINS) laws.



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