

LAWS OF ARIZONA

CHAPTER 9

Senate Bill 1001

AN ACT

RELATING TO STATE GOVERNMENT; REQUIRING ATTORNEY  
GENERAL'S APPROVAL FOR AGENCY RULES;  
PROHIBITING THE SECRETARY OF STATE FROM FILING  
A RULE WHICH HAS NOT BEEN APPROVED; AMENDING

## LAWS OF ARIZONA

TITLE 41, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1002.01, AND AMENDING SECTION 41-1004, ARIZONA REVISED STATUTES.

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

Section 1. Title 41, chapter 6, article 1, Arizona Revised Statutes, is amended by adding section 41-1002.01, to read:

**41-1002.01. Rule approval and certification by attorney general**

A. NO RULE SHALL BE ADOPTED BY A STATE AGENCY UNLESS IT HAS BEEN REVIEWED BY THE ATTORNEY GENERAL AND HE HAS CERTIFIED THAT THE PROPOSED RULE IS:

1. APPROVED AS TO FORM.
2. WITHIN THE POWER OF THE AGENCY TO ADOPT AND WITHIN THE LEGISLATIVE STANDARDS THERETOFORE ENACTED.

B. THE CERTIFICATION OF THE ATTORNEY GENERAL SHALL WITHIN NINETY DAYS OF RECEIPT OF THE RULE BE ENDORSED ON EACH COPY OF THE RULE WHICH IS FILED WITH THE SECRETARY OF STATE PURSUANT TO SECTION 41-1004.

C. IF THE ATTORNEY GENERAL DETERMINES THAT SUCH RULE DOES NOT COMPLY WITH SUBSECTION A OF THIS SECTION HE SHALL ENDORSE HIS REJECTION OF CERTIFICATION ON EACH COPY OF SUCH RULE AND RETURN SUCH COPIES TO THE AGENCY THAT PROPOSED THE RULE WITHIN NINETY DAYS AFTER HIS RECEIPT OF SUCH PROPOSED RULE.

Sec. 2. Section 41-1004, Arizona Revised Statutes, is amended to read:

**41-1004. Filing rules with the secretary of state; exceptions**

## LAWS OF ARIZONA

A. Every rule adopted by each agency shall be certified and filed with the office of the secretary of state or shall be of no force or effect. The secretary of state shall keep a permanent register of such rules. THE SECRETARY OF STATE SHALL NOT ACCEPT FOR FILING A RULE OF A STATE AGENCY WHICH DOES NOT HAVE A CERTIFICATION AND APPROVAL OF THE ATTORNEY GENERAL AS REQUIRED BY SECTION 41-1002.01.

B. Nothing in this article shall be construed to require filing with the secretary of state any rule which establishes or fixes rates, prices or tariffs, or relates to the use of public works, including streets and highways under the jurisdiction of any state agency when the effect of the order is indicated to the public by means of signs or signals.

**Sec. 3. Savings clause**

This act does not apply to rules adopted by a state agency prior to the effective date of this act. Any rule adopted by a state agency and filed with the secretary of state prior to the effective date of this act shall remain in full force and effect without certification by the attorney general provided that any such rule amended subsequent to the effective date of this act shall cause the entire rule be reviewed for certification by the attorney general.

**Sec. 4. Emergency**

To preserve the public peace, health, and safety it is necessary that this act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor - March 2, 1972

Filed in the Office of the Secretary of State - March 3, 1972