

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1514

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 41-1055, Arizona Revised Statutes, is amended to  
3 read:

4 41-1055. Economic, small business and consumer impact statement

5 A. The economic, small business and consumer impact summary shall  
6 include:

7 1. An identification of the proposed rule making, including all of the  
8 following:

9 (a) The conduct and its frequency of occurrence that the rule is  
10 designed to change.

11 (b) The harm resulting from the conduct the rule is designed to change  
12 and the likelihood it will continue to occur if the rule is not changed.

13 (c) The estimated change in frequency of the targeted conduct expected  
14 from the rule change.

15 2. A brief summary of the information included in the economic, small  
16 business and consumer impact statement.

17 3. If the economic, small business and consumer impact summary  
18 accompanies a proposed rule or a proposed summary rule, the name and address  
19 of agency employees who may be contacted to submit or request additional data  
20 on the information included in the economic, small business and consumer  
21 impact statement.

22 B. The economic, small business and consumer impact statement shall  
23 include:

24 1. An identification of the proposed rule making.

25 2. An identification of the persons who will be directly affected by,  
26 bear the costs of or directly benefit from the proposed rule making.

27 3. A cost benefit analysis of the following:

1 (a) The probable costs and benefits to the implementing agency and  
2 other agencies directly affected by the implementation and enforcement of the  
3 proposed rule making. The probable costs to the implementing agency shall  
4 include the number of new full-time employees necessary to implement and  
5 enforce the proposed rule. The preparer of the economic, small business and  
6 consumer impact statement shall notify the joint legislative budget committee  
7 of the number of new full-time employees necessary to implement and enforce  
8 the rule before the rule is approved by the council.

9 (b) The probable costs and benefits to a political subdivision of this  
10 state directly affected by the implementation and enforcement of the proposed  
11 rule making.

12 (c) The probable costs and benefits to businesses directly affected by  
13 the proposed rule making, including any anticipated effect on the revenues or  
14 payroll expenditures of employers who are subject to the proposed rule  
15 making.

16 4. A general description of the probable impact on private and public  
17 employment in businesses, agencies and political subdivisions of this state  
18 directly affected by the proposed rule making.

19 5. A statement of the probable impact of the proposed rule making on  
20 small businesses. The statement shall include:

21 (a) An identification of the small businesses subject to the proposed  
22 rule making.

23 (b) The administrative and other costs required for compliance with  
24 the proposed rule making.

25 (c) A description of the methods that the agency may use to reduce the  
26 impact on small businesses. These methods may include:

27 (i) Establishing less costly compliance requirements in the proposed  
28 rule making for small businesses.

29 (ii) Establishing less costly schedules or less stringent deadlines  
30 for compliance in the proposed rule making.

31 (iii) Exempting small businesses from any or all requirements of the  
32 proposed rule making.

1 (d) The probable cost and benefit to private persons and consumers who  
2 are directly affected by the proposed rule making.

3 6. A statement of the probable effect on state revenues.

4 7. A description of any less intrusive or less costly alternative  
5 methods of achieving the purpose of the proposed rule making, including the  
6 monetizing of the costs and benefits for each option and providing the  
7 rationale for not using nonselected alternatives.

8 8. A DESCRIPTION OF ANY DATA ON WHICH A RULE IS BASED WITH A DETAILED  
9 EXPLANATION OF HOW THE DATA WAS OBTAINED AND WHY THE DATA IS ACCEPTABLE DATA.  
10 AN AGENCY ADVOCATING THAT ANY DATA IS ACCEPTABLE DATA HAS THE BURDEN OF  
11 PROVING THAT THE DATA IS ACCEPTABLE. FOR THE PURPOSES OF THIS PARAGRAPH,  
12 "ACCEPTABLE DATA" MEANS EMPIRICAL, REPLICABLE AND TESTABLE DATA AS EVIDENCED  
13 IN SUPPORTING DOCUMENTATION, STATISTICS, REPORTS, STUDIES OR RESEARCH.

14 C. If for any reason adequate data are not reasonably available to  
15 comply with the requirements of subsection B of this section, the agency  
16 shall explain the limitations of the data and the methods that were employed  
17 in the attempt to obtain the data and shall characterize the probable impacts  
18 in qualitative terms. The absence of adequate data, if explained in  
19 accordance with this subsection, shall not be grounds for a legal challenge  
20 to the sufficiency of the economic, small business and consumer impact  
21 statement.

22 D. An agency is not required to prepare an economic, small business  
23 and consumer impact statement pursuant to this chapter for the following rule  
24 makings:

25 1. Initial making, but not renewal, of an emergency rule pursuant to  
26 section 41-1026.

27 2. Summary rule makings pursuant to section 41-1027 that only repeal  
28 existing rule language.

29 3. Any rule making that decreases monitoring, record keeping or  
30 reporting burdens on agencies, political subdivisions, businesses or persons,  
31 unless the agency determines that increased costs of implementation or  
32 enforcement may equal or exceed the reduction in burdens.

1           E. The economic, small business and consumer impact statement for a  
2 rule making that is exempt pursuant to subsection D of this section shall  
3 state that the proposed rule making is exempt.

4           F. The cost-benefit analysis required by subsection B of this section  
5 shall calculate only the costs and benefits that occur in this state.

6           G. If a person submits an analysis to the agency that compares the  
7 rule's impact on the competitiveness of businesses in this state to the  
8 impact on businesses in other states, the agency shall consider the  
9 analyses."

10 Amend title to conform

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3/12/12  
3:25 PM  
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