

Regulatory Transparency Bill

- This proposed legislation simply extends to municipal and county governments and flood control districts the administrative due process procedures that have applied to State and federal governments for decades. The result is consistent treatment, fairness and certainty under the law for Arizona's citizens and business community at all levels of government.
- This proposed legislation also extends to municipal and county governments and flood control districts the requirement that local governments ensure and maximize the quality, objectivity, utility and integrity of information used and disseminated by the local governments, which has applied to the federal government for a decade.

Administrative Due Process Procedures:

- Regulatory reform was a major political movement in the 1990s. Under Senate President Brenda Burns' leadership, Arizona established the "Regulatory Bill of Rights" for state agencies under Title 41. This Bill of Rights sets forth due process procedures and policies that provided the business community with certainty and predictability when working with state agencies.
- This bill extends certain Title 41 Bill of Rights to municipalities and counties. The bill adopts nearly word for word the existing statutory language that has applied to state agencies for over a decade. There is proposed new language that is consistent with the 2010 Model Administrative Procedures Act language adopted by the National Conference of Commissioner on Uniform State Laws (NCCUSL).
- This bill relies on the existing Title 41 language, including reasonable exemptions, because there is value in the reliability and certainty achieved from this existing language having been interpreted and litigated for several decades. This also will ensure that there are little or no unintended consequences and/or unnecessary litigation resulting from adoption of the bill.
- The bill requires that municipal and county governments recognize and protect the basic due process rights of Arizona's citizens and business community. These basic due process rights include:
 - The right to be notified of administrative actions created by local governments that can be enforceable against the public.
 - The right to participate and comment on administrative actions created by local governments that can be enforceable against the public.
 - The right to have the local government respond to the public's comments.
 - The right to have the local government's enforceable administrative actions declared void if these basic due process procedures are not provided to the public. This right is protected by a private legal right to pursue a judicial declaration if municipal and county officials and governing bodies fail to cure the problem within a reasonable timeframe.
- The bill requires local governments to consider methods to reduce the impact of rulemaking on small businesses.

Data Quality Procedures:

- This bill requires local governments to establish procedures that ensure and maximize the quality, objectivity, utility and integrity of information used and disseminated by the local governments.
- The bill adopts nearly word for word the existing language that has applied to federal agencies for over a decade. This bill relies on the existing language because there is value in the reliability and certainty achieved from this existing language having been interpreted and litigated.
- This bill requires local governments to provide the affected public with an opportunity to seek and obtain correction of information that does not comply with the procedures established by the local governments.