

### Arizona Governor's Regulatory Review Council (Council)

The Council has taken steps to meet some statutory responsibilities we reviewed but did not always notify agencies as required of 5-year review report deadlines, increasing the risk that ineffective or unnecessary rules remained in effect, and although it approved or denied proposed agency rulemaking packages we reviewed within statutorily required time frames, it lacked a process to track its compliance with these requirements and did not comply with some open meeting law requirements for executive sessions.

#### Audit purpose

To assess the Council's processes for meeting its statutory responsibilities to (1) review and approve an agency's proposed final rules and (2) schedule, review, and approve each agency's 5-year review of its rules, and to respond to the statutory sunset factors.

#### Key findings

The Council:

- Did not comply with statutory requirements for sending 90-day notices to agencies that their 5-year review reports were coming due for 5 of the 30 5-year review reports reviewed. Two factors impacted the Council's compliance: (1) data entry errors made by Council staff in its 5-year review report deadline calendar and notices sent to agencies, and (2) management oversight provided of Council staff was insufficient to detect the issues identified.
- Reviewed all 20 rulemaking packages sampled within the 120-day mandated time frame but lacked a process to track rule review requests submitted for review, increasing its risk of a rule not being reviewed timely.
- Complied with statutory quorum requirements for all 7 rules reviewed that became immediately effective.
- Did not ensure executive session recordings, which serve as meeting minutes, included statutorily required information, such as meeting date, time, place, or Councilmember attendance; and did not always notify those present at the meeting of the confidentiality requirements.

#### Key recommendations

The Council should:

- Review its current practices for fulfilling its statutory responsibilities related to 5-year review reports and implement additional management oversight to better ensure compliance and timely, accurate notifications.
- Develop written policies, procedures, and/or other guidance documents related to its recently implemented process to track rule review requests and its compliance with the 120-day requirement.
- Follow ADOA's open meeting law policies and procedures.