

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/11/15

A Bill

HOUSE BILL 1730

5 By: Representative Bell
6

For An Act To Be Entitled

8 AN ACT TO ELIMINATE EXCESSIVE GOVERNMENT REGULATION;
9 TO CREATE SYSTEMATIC REVIEW OF OLD RULES; TO PREVENT
10 RULES FROM BECOMING ANTIQUATED; TO REQUIRE APPROVAL
11 OF OLD RULES BY THE LEGISLATIVE COUNCIL IN ORDER TO
12 RETAIN THE FORCE AND EFFECT OF THE RULES; AND FOR
13 OTHER PURPOSES.
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Subtitle

16 TO ELIMINATE EXCESSIVE GOVERNMENT
17 REGULATION; TO CREATE SYSTEMATIC REVIEW
18 OF OLD RULES; TO PREVENT RULES FROM
19 BECOMING ANTIQUATED; AND TO REQUIRE
20 APPROVAL OF OLD RULES BY THE LEGISLATIVE
21 COUNCIL.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 25, Chapter 15, is amended to add an
28 additional subchapter to read as follows:

Subchapter 4 – Rule Review

25-15-401. Definitions.

As used in this section:

31 (1)(A) “Agency” means a board, commission, department, officer, or
32 other authority of the government of the State of Arkansas, whether within or
33 subject to review by another agency except the General Assembly, the courts,
34 and the Governor.
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1 (B) "Agency" includes the Division of Child Care and Early
2 Childhood Education of the Department of Human Services and the Child Care
3 Appeal Review Panel for purposes of administrative appeal;

4 (2)(A) "Rule" means an agency statement of general applicability and
5 future effect that implements, interprets, or prescribes law or policy or
6 describes the organization, procedure, or practice of an agency, including
7 without limitation the amendment or repeal of a prior rule.

8 (B) "Rule" does not mean:

9 (i) A statement that concerns the internal management of an
10 agency and that does not affect the private rights or procedures available to
11 the public;

12 (ii) A declaratory ruling issued pursuant to § 25-15-206;

13 or

14 (iii) Intra-agency memoranda; and

15 (3) "Rule making" means an agency process for the formulation,
16 amendment, or repeal of a rule.

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18 25-15-402. Review of rules.

19 (a) Except as provided in § 25-15-403 and unless the rule is approved
20 for renewal by the Legislative Council, an agency rule shall maintain force
21 and effect for no more than thirty-six (36) years.

22 (b)(1) An agency shall file a rule review report with the Legislative
23 Council according to the schedule determined under § 25-15-403.

24 (2) The rule review report shall:

25 (A) List all of the agency rules;

26 (B) State the rules the agency has determined should not
27 be renewed and the reasons for such; and

28 (C) Include a brief discussion of the effects of its rules
29 on the public.

30 (3) The reports shall be assigned to the subject matter interim
31 committees by the President Pro Tempore of the Senate and the Speaker of the
32 House of Representatives.

33 (c) Each of the subject matter interim committees shall:

34 (1) Review the agency rules;

35 (2) Allow an agency representative and the public to speak about
36 the rules at an interim committee meeting; and

1 (3) Recommend that the Legislative Council either approve or
2 reject the agency rules in whole or in part.

3 (d)(1) Before December 31 of the sixth year of the review of a group
4 of agencies under § 25-15-403, the Legislative Council shall:

5 (A) Meet on a date or dates set by the President Pro
6 Tempore of the Senate and the Speaker of the House of Representatives; and

7 (B) Vote for approval or rejection of the rules of each
8 agency that have been reviewed in the previous two (2) years.

9 (2) If the Legislative Council rejects an agency's rules and the
10 result of the rejection is that the agency has no rules which address an
11 issue that the agency is required by law to promulgate rules concerning, the
12 agency has sixty (60) days to initiate the rule making process under the
13 Arkansas Administrative Procedures Act, § 25-15-201 et seq., including
14 without limitation adoption of an emergency rule.

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16 25-15-403. Order of implementation.

17 (a)(1) The agencies shall be reviewed in six (6) groups to be
18 determined by the Governor to ensure that the number of agencies in each
19 group and the number of subject matter areas represented by each group is
20 approximately equal.

21 (2) If the Governor has not determined the groups by August 1,
22 2015, the President Pro Tempore of the Senate and the Speaker of the House of
23 Representatives shall determine the six (6) groups to ensure that the number
24 of agencies in each group and the number of subject-matter areas represented
25 by each group is approximately equal.

26 (3) If neither the Governor nor the President Pro Tempore of the
27 Senate and the Speaker of the House of Representatives have determined the
28 groups by September 1, 2015, all of the state agencies shall be subject to
29 immediate review in one (1) group and:

30 (A) The reports shall be filed by the agencies:

31 (i) No earlier than November 1, 2015, and no later
32 than January 1, 2016; and

33 (ii) No earlier than *November 1* of every thirty-
34 sixth year after November 1, 2015, and no later than January 1 of every
35 thirty-sixth year after January 1, 2016; and

36 (B) The review shall be completed no later than:

1 (i) December 31, 2032; and
2 (ii) December 31 of every thirty-sixth year after
3 December 31, 2032.

4 (b)(1) Each group of agencies shall be reviewed in a six-year time
5 period.

6 (2) Group one (1) shall file a report required under § 25-15-
7 402(b):

8 (A) No earlier than November 1, 2015, and no later than
9 January 1, 2016; and

10 (B) No earlier than November 1 of every thirty-sixth year
11 after November 1, 2015, and no later than January 1 of every thirty-sixth
12 year after January 1, 2016.

13 (3) Group two (2) shall file a report required under § 25-15-
14 402(b):

15 (A) No earlier than November 1, 2023, and no later than
16 January 1, 2024; and

17 (B) No earlier than November 1 of every thirty-sixth year
18 after November 1, 2023, and no later than January 1 of every thirty-sixth
19 year after January 1, 2024.

20 (4) Group three (3) shall file a report required under § 25-15-
21 402(b):

22 (A) No earlier than November 1, 2029, and no later than
23 January 1, 2030; and

24 (B) No earlier than November 1 of every thirty-sixth year
25 after November 1, 2029, and no later than January 1 of every thirty-sixth
26 year after January 1, 2030.

27 (5) Group four (4) shall file a report required under § 25-15-
28 402(b):

29 (A) No earlier than November 1, 2035, and no later than
30 January 1, 2036; and

31 (B) No earlier than November 1 of every thirty-sixth year
32 after November 1, 2035, and no later than January 1 of every thirty-sixth
33 year after January 1, 2036.

34 (6) Group five (5) shall file a report required under § 25-15-
35 402(b):

36 (A) No earlier than November 1, 2041, and no later than

1 January 1, 2042; and
2 (B) No earlier than November 1 of every thirty-sixth year
3 after November 1, 2041, and no later than January 1 of every thirty-sixth
4 year after January 1, 2042.
5 (7) Group six (6) shall file a report required under § 25-15-
6 402(b):
7 (A) No earlier than November 1, 2047, and no later than
8 January 1, 2048; and
9 (B) No earlier than November 1 of every thirty-sixth year
10 after November 1, 2047, and no later than January 1 of every thirty-sixth
11 year after January 1, 2048.
12 (c) Agency rules that are thirty-six (36) years or older on the
13 enactment date of this act shall remain in effect until the date of their
14 first scheduled review as provided for under this section.

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16 */s/Bell*
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