

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1302

By: Representative Cozart

## For An Act To Be Entitled

AN ACT TO CREATE THE RED TAPE REDUCTION COLLECTIVE RULEMAKING ACT OF 2019; TO ESTABLISH AN EXPEDITED PROCEDURE FOR OCCUPATIONAL LICENSING ENTITIES TO COLLECTIVELY SUBMIT PROPOSED, AMENDED, OR REPEALED RULES RESPONSIVE TO LEGISLATION; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE RED TAPE REDUCTION COLLECTIVE RULEMAKING ACT OF 2019.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Red Tape Reduction Collective Rulemaking Act of 2019".

SECTION 2. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas is taking a leading role in the nationwide pursuit of reforms to the system of occupational licensing;

(2) Arkansas became one (1) of eleven (11) states chosen to participate in the Occupational Licensing Policy Learning Consortium, an initiative funded by a grant from the United States Department of Labor and supported in partnership with the National Conference of State Legislatures, the Council of State Governments, and the National Governors Association;

(3) Governor Asa Hutchinson appointed seventeen (17) individuals



to the Red Tape Reduction Working Group to review and address occupational licensing regulations that create unnecessary barriers to labor market entry; and

(4) The Red Tape Reduction Working Group issued a final report to the Governor in the fall of 2018 with five (5) recommendations for substantive legislative reform, which are to:

(A) Establish an expedited procedure for occupational licensing entities to collectively submit administrative rules that are responsive to new legislation;

(B) Extend Acts 2017, No. 781, to allow repeal of subsections of rules;

(C) Establish provisions to allow certain agencies to consider occupational relevance with regard to criminal background issues;

(D) Authorize occupational licensing entities to identify types of individuals or entities that may be issued temporary or provisional licenses; and

(E) Establish a systematic process for review of:

(i) New occupational licensure and occupational licensing entities; and

(ii) Existing occupational licensure and occupational licensing entities.

(b) It is the intent of the General Assembly to establish an expedited procedure for occupational licensing entities to collectively submit administrative rules that are responsive to new legislation.

SECTION 3. Arkansas Code § 10-3-309(c), concerning the review and approval of state agency rules, is amended to add an additional subdivision to read as follows:

(5)(A) If enacted legislation requires or results in more than one (1) state agency adopting, amending, or repealing rules on a similar subject matter:

(i)(a) A state agency may request that all proposed rules filed with the Legislative Council regarding the enacted legislation be grouped together and reviewed and approved as a single group; or

(b) A member of the General Assembly may request that all proposed rules filed with the Legislative Council regarding

the enacted legislation be grouped together and reviewed and approved as a single group; and

(ii) If the proposed rules are grouped together under subdivision (c)(5)(A)(i) of this section, the proposed rules may be reviewed and approved as a single group by any of the following, as appropriate:

(a) The Legislative Council;

(b) The Administrative Rules and Regulations Subcommittee of the Legislative Council;

(c) The Joint Budget Committee; or

(d) The Administrative Rule and Regulation Review Subcommittee.

(B) If the proposed rules are grouped together under subdivision (c)(5)(A)(i) of this section for review, the Legislative Council, the Administrative Rules and Regulations Subcommittee of the Legislative Council, the Joint Budget Committee, or the Administrative Rule and Regulation Review Subcommittee, as appropriate, may:

(i) Separate the proposed rules if requested by:

(a) A member of the General Assembly; or

(b) One (1) of the state agencies that promulgated the proposed rules; and

(ii) Elect to approve one (1) or more of the proposed rules separated under subdivision (c)(5)(B)(i) of this section.

SECTION 4. Arkansas Code § 25-15-204(a)(1), concerning notice requirements under the Arkansas Administrative Procedure Act, is amended to add an additional subdivision to read as follows:

(E)(i) If enacted legislation requires or results in more than one (1) agency adopting, amending, or repealing rules on a similar subject matter, the agencies may publish a combined notice for all rules.

(ii) The combined notice shall:

(a) Include:

(1) The names of all agencies involved in the collective filing; and

(2) The time, location, and manner in which an interested person may present his or her position on the intended

action of each agency or on the issues related to the intended action of each agency; and

(b) Meet the requirements of subdivisions

(a)(1)(C) and (D) of this section; and

SECTION 5. Arkansas Code § 25-15-204(a)(2), concerning public hearing requirements under the Arkansas Administrative Procedure Act, is amended to add an additional subdivision to read as follows:

(F) Agencies that publish a combined notice as described in subdivision (a)(1)(E) of this section may hold a joint public hearing when required by law or otherwise desired by the agencies; and

**APPROVED: 3/6/19**