

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 641

By: Senator B. Ballinger
By: Representative Dotson

For An Act To Be Entitled

AN ACT TO ALLOW A LIMITED EXEMPTION TO THE ARKANSAS
ADMINISTRATIVE PROCEDURES ACT; TO ALLOW AN
ALTERNATIVE PROCESS FOR FILING RULES; AND FOR OTHER
PURPOSES.

Subtitle

TO ALLOW A LIMITED EXEMPTION TO THE
ARKANSAS ADMINISTRATIVE PROCEDURES ACT;
AND TO ALLOW AN ALTERNATIVE PROCESS FOR
FILING RULES.

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

SECTION 1. DO NOT CODIFY. Legislative Findings and Intent.

(a) Acts 2019, No. 315, requires the consistent reference and use of the term "rule" and the elimination of unnecessary references to the term "regulation".

(b) Acts 2019, No. 315 states that no governmental entity shall be required to re-promulgate existing regulations as rules solely to comply with this act.

(c) Certain agencies are required to follow the procedure under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for the promulgation of a new or amended rule.

(d) To facilitate and ensure the use of the term "rule" by an agency when no update or change to the existing rule is expected or anticipated, the General Assembly finds that certain procedures under the Arkansas



Administrative Procedure Act, § 25-15-201 et seq., may be waived.

(e) A governmental entity is not required to follow the procedure set forth in § 25-15-204 if:

(1) The only change being made to the promulgated rule or regulation by the agency is the replacement of the term "regulation" with the term "rule";

(2) The agency files the updated rule with the Secretary of State on or before January 1, 2020; and

(3) A letter is provided to the Legislative Council by the agency stating that a rule has been filed with the Secretary of State's office, the name of the rule, a brief description of the rule, and an affirmative statement that the only change to the rule is a change from the use of the term "regulation" to the term "rule".

(f) An agency may continue to follow the procedure set forth in § 25-15-204 for the adoption of a rule that changes the term "regulation" to "rule".

APPROVED: 4/11/19