

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 288

By: Senator D. Wallace  
By: Representative Dotson

## For An Act To Be Entitled

AN ACT TO ALLOW A LIMITED EXEMPTION FOR RULE  
PROMULGATION FOR ENTITIES NOT SUBJECT TO THE ARKANSAS  
ADMINISTRATIVE PROCEDURE ACT; TO ALLOW AN ALTERNATIVE  
PROCESS FOR FILING A RULE; AND FOR OTHER PURPOSES.

## Subtitle

TO ALLOW A LIMITED EXEMPTION FOR RULE  
PROMULGATION FOR ENTITIES NOT SUBJECT TO  
THE ARKANSAS ADMINISTRATIVE PROCEDURE  
ACT; AND TO ALLOW AN ALTERNATIVE PROCESS  
FOR FILING A RULE.

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) The Transformation and Efficiencies Act of 2019, Acts 2019, No. 910, requires that agencies change terminology in rules to reflect the integrating and restructuring of agencies and departments as enacted therein.

(d)(1) Acts 2019, No. 893, allowed an alternative process for filing a rule and a limited exemption for agencies 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.

(2) Acts 2019, No. 893, did not apply to agencies that are not required to follow the Arkansas Administrative Procedure Act, § 25-15-201, et seq.

(e) To facilitate and ensure the use of the term “rule” by an agency not required to follow the Arkansas Administrative Procedure Act, § 25-15-201, et seq, when no update or change to the existing rules is expected or anticipated, and to facilitate the update and change of terminology to reflect the changes enacted by Act 910 of 2019, the General Assembly finds that certain procedures required for approval of rules may be waived.

(f) A government agency that is not required to follow the Administrative Procedures Act is not required to follow the procedure set forth in Ark. Code Ann. § 25-15-204 or the government agency’s internal rules regarding the promulgation of a new or amended rule if:

(1) The change being made to the promulgated rule or regulation by the agency is:

(A) The replacement of the term “regulation” with the term “rule”; or

(B) To reflect the changes regarding the integration and restructuring of administrative agencies and departments in Acts 2019, No. 910;

(2) The agency files the updated rule with the Secretary of State on or before January 1, 2022; and

(3) A letter is provided to the Legislative Council by the agency stating the following:

(A) A rule has been filed with the office of the Secretary of State;

(B) The name of the rule;

(C) A brief description of the rule; and

(D) An affirmative statement that the only change to the rule is:

(i) A change from the use of the term “regulation” to the term “rule”; or

(ii) A change in terminology to reflect the integration and restructuring of administrative agencies and departments.

(g) An agency that is not required to follow the Arkansas Administrative Procedure Act, § 25-15-201, et seq, may continue to follow the procedure set forth in § 25-15-204 or the government agency's internal rules regarding the adoption of a rule that changes the term "regulation" to "rule" or changes terminology to reflect the integration and restructuring of administrative agencies and departments as required by Acts 2019, No. 910.

**APPROVED: 4/13/21**