

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/11/15
A Bill

HOUSE BILL 1730

By: Representative Bell

For An Act To Be Entitled

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

Subtitle

TO ELIMINATE EXCESSIVE GOVERNMENT
REGULATION; TO CREATE SYSTEMATIC REVIEW
OF OLD RULES; TO PREVENT RULES FROM
BECOMING ANTIQUATED; AND TO REQUIRE
APPROVAL OF OLD RULES BY THE LEGISLATIVE
COUNCIL.

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

SECTION 1. Arkansas Code Title 25, Chapter 15, is amended to add an additional subchapter to read as follows:

Subchapter 4 – Rule Review

25-15-401. Definitions.

As used in this section:

(1)(A) “Agency” means a board, commission, department, officer, or other authority of the government of the State of Arkansas, whether within or subject to review by another agency except the General Assembly, the courts, and the Governor.



(B) "Agency" includes the Division of Child Care and Early Childhood Education of the Department of Human Services and the Child Care Appeal Review Panel for purposes of administrative appeal;

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

(B) "Rule" does not mean:

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

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

or

(iii) Intra-agency memoranda; and

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

25-15-402. Review of rules.

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

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

(2) The rule review report shall:

(A) List all of the agency rules;

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

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

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

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

(1) Review the agency rules;

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

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

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

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

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

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

25-15-403. Order of implementation.

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

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

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

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

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

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

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

(i) December 31, 2032; and

(ii) December 31 of every thirty-sixth year after December 31, 2032.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

January 1, 2042; and

(B) No earlier than November 1 of every thirty-sixth year after November 1, 2041, and no later than January 1 of every thirty-sixth year after January 1, 2042.

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

(A) No earlier than November 1, 2047, and no later than January 1, 2048; and

(B) No earlier than November 1 of every thirty-sixth year after November 1, 2047, and no later than January 1 of every thirty-sixth year after January 1, 2048.

(c) Agency rules that are thirty-six (36) years or older on the enactment date of this act shall remain in effect until the date of their first scheduled review as provided for under this section.

/s/Bell