

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/22/17
A Bill

SENATE BILL 512

By: Senator Collins-Smith

For An Act To Be Entitled

AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT;
CONCERNING THE ADOPTION OF A NEW RULE BY A STATE
AGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ADMINISTRATIVE PROCEDURE
ACT; AND CONCERNING THE ADOPTION OF A NEW
RULE BY A STATE AGENCY.

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

SECTION 1. Arkansas Code § 25-15-204(b), concerning the procedure for rule adoption under the Administrative Procedure Act, is amended to read as follows:

(b)(1)(A)(i) Except as provided under subdivision (b)(1)(B) of this section, an agency shall repeal at least (1) of its rules before it may adopt a proposed rule under this section.

(ii) The rule to be repealed by the agency under subdivision (b)(1)(A)(i) of this section shall be repealed before the effective date of a proposed rule.

(B) However, an agency is not required to repeal a rule *if the proposed rule for adoption is:*

(i) Specifically required by the General Assembly;

or

(ii) An emergency rule under subsection (c) of this section.

(2) An agency shall not adopt, amend, or repeal a rule unless



the rule is based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule.

~~(2)~~(3) An agency shall adopt the least costly rule considered under this section, unless:

(A) The additional benefits of the more costly rule justify its additional cost;

(B) The agency explains its reason for adoption of the more costly rule in writing;

(C) The reason is based on the interests of public health, safety, or welfare; and

(D) The reason is within the scope of the agency's statutory authority.

/s/Collins-Smith