

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1720

By: Representative Dotson

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE REVIEW OF
NEWLY ENACTED LAWS AND THE ADOPTION OF REQUIRED
RULES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING THE
REVIEW OF NEWLY ENACTED LAWS AND THE
ADOPTION OF REQUIRED RULES.

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

SECTION 1. Arkansas Code § 25-15-216 is amended to read as follows:
25-15-216. Review of agency rules.

(a)(1) As soon as is practicable after each regular session and fiscal session of the General Assembly, each agency shall review any newly enacted laws to determine whether:

- (A) Any existing rule should be repealed or amended; or
- (B) Any new rule should be adopted.

(2) At the conclusion of each review, the agency shall adopt a written report of the result of the review.

(3) A copy of each report shall be maintained as a public record by the agency.

(b)(1) If an agency determines that a newly enacted law requires the repeal or amendment of an existing rule or the adoption of a new rule and the newly enacted law does not provide a specific date for the repeal, amendment, or adoption of the rule, the final version of the new, amended, or repealed rule shall be filed for adoption with the Secretary of State:



(A) On or before ~~January~~ June 1 of the following year, if the newly enacted law results from a regular or fiscal session of the General Assembly;

(B) On or before the one hundred eightieth day following sine die adjournment, if the newly enacted law results from a special session of the General Assembly; or

(C) If approval of a rule under § 10-3-309 has not occurred by the date under subdivision (b)(1)(A) or subdivision (b)(1)(B) of this section, as soon as practicable after approval under § 10-3-309.

(2) An agency shall file the proposed rule with the Legislative Council, or the Joint Budget Committee if the General Assembly is in regular, fiscal, or extraordinary session, under § 10-3-309 sufficiently in advance of the date under subdivision (b)(1)(A) or subdivision (b)(1)(B) of this section so that the Legislative Council or Joint Budget Committee may consider the rule for approval before the appropriate date.

(3)(A) No later than sixty (60) days following the sine die adjournment of a regular session of the General Assembly, the Bureau of Legislative Research shall file with the Legislative Council a report identifying the rules required by newly enacted laws that it has determined shall be filed for adoption on or before June 1 of the year following a regular session of the General Assembly.

(B) The report under subdivision (b)(3)(A) of this section shall only include rules specifically required by a newly enacted law.

(C) An agency shall promulgate a rule it determines is required under subdivision (a)(1) of this section regardless of whether the rule appears on the report under subdivision (b)(3)(A) of this section.

(4) The executive head of an agency or his or her designee shall provide monthly written updates on the agency's progress in promulgating a rule it determines is required under subdivision (a)(1) of this section, including without limitation a rule identified in the report under subdivision (b)(3)(A) of this section, to the Legislative Council or its appropriate subcommittee until the final version of the new, amended, or repealed rule is filed for adoption with the Secretary of State on or before the required date under subdivision (b)(1) of this section.

~~(3)(5)(A)(i)~~ If an agency fails to file the final version of the new, amended, or repealed rule for adoption as required by subdivision (b)(1)

of this section, the executive head of the agency at issue or his or her designee shall appear before the Legislative Council or its appropriate subcommittee on a monthly basis until the final version of the new, amended, or repealed rule is filed for adoption with the Secretary of State.

(ii) If the rule the agency failed to file under subdivision (b)(5)(A)(i) of this section resulted from a newly enacted law at a regular session of the General Assembly, the executive head of the agency at issue or his or her designee shall appear before the Legislative Council or its appropriate subcommittee on a monthly basis until the final version of the new, amended, or repealed rule is filed for adoption with the Secretary of State if the final version of the new, amended, or repealed rule has not been filed for adoption by June 1 of the year following the regular session of the General Assembly. An appearance under this subdivision (b)(5)(A)(ii) shall be in lieu of a monthly written update under subdivision (b)(4) of this section.

(B) When appearing before the Legislative Council or its appropriate subcommittee, the executive head of the agency at issue or his or her designee shall:

(i) Describe why the agency has been unable to comply with subdivision (b)(1) of this section;

(ii) Provide an update on the current status of the necessary rule changes;

(iii) Describe the steps the agency is taking to address the failure to comply with subdivision (b)(1) of this section; and

(iv) Provide an anticipated date for when the final version of the new, amended, or repealed rule will be filed for adoption with the Secretary of State.

(C)(i) An agency shall not be required to appear before the Legislative Council or its appropriate subcommittee under this subdivision (b)(5) if the newly enacted law requiring the new, amended, or repealed rule is the subject of litigation.

(ii) The agency shall provide written notification to the Legislative Council or its appropriate subcommittee of the litigation involving the newly enacted law and update the written notification when the litigation is resolved.

(c)(1) If a newly enacted law specifically requires the adoption of a

rule by an agency and the agency believes that a rule is not necessary for the operation of the newly enacted law, it may submit a written request to the Legislative Council or its appropriate subcommittee:

(A) Notifying the Legislative Council or its appropriate subcommittee of the agency's intent to not adopt the required rule; and

(B) Requesting that the rule it believes is not necessary be excluded from the requirements of subdivisions (b)(3)-(5) of this section.

(2) The Legislative Council or its appropriate subcommittee may exclude an agency from the requirements of subdivisions (b)(3)-(5) of this section if it determines that the required rule is not necessary, including without limitation determining that the required rule would merely restate the newly enacted law.