

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

SENATE BILL 15

By: Senator D. Sullivan
By: Representative Gonzales

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS EMERGENCY SERVICES ACT OF 1973 CONCERNING THE SUSPENSION OF REGULATORY STATUTES, ORDERS, OR RULES DURING AN EMERGENCY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS EMERGENCY SERVICES ACT OF 1973 CONCERNING THE SUSPENSION OF REGULATORY STATUTES, ORDERS, OR RULES DURING AN EMERGENCY; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 12-75-114(e)(1), concerning the disaster emergency responsibilities of the Governor, is amended to read as follows:

(1)(A) Suspend the provisions of any regulatory statutes prescribing the procedures for conduct of state business, or the orders or rules of any state agency, if strict compliance with the provisions of any regulatory statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency.

(B) A suspension of a regulatory statute, order, or rule under subdivision (e)(1)(A) of this section expires after thirty (30) days unless:

(i) The Governor finds that the threat or danger has passed and terminates the state of disaster emergency by executive order or



proclamation under this subchapter before the expiration of the thirty-day period; or

(ii) An extension of the thirty-day period is approved by passage of:

(a) A concurrent resolution of the General Assembly, if the General Assembly is in regular, fiscal, or extraordinary session; or

(b) A resolution of the Legislative Council, if the General Assembly is not in regular, fiscal, or extraordinary session;

SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE. A regulatory statute, order, or rule suspended under § 12-75-114(e)(1) as of the effective date of this act shall remain suspended for thirty (30) days following the effective date of this act or until an action is taken under § 12-75-114(e)(1)(B), whichever is earlier, without regard to whether the state of disaster emergency related to the suspension of the regulatory statute, rule, or order is terminated before the expiration of the suspension under this section.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., broad discretion is granted to the Governor to deal with emergencies; that because the nature of the coronavirus disease (COVID-19) pandemic has required swift and long-term action on the part of the Governor, the law has been tested and deficiencies in the law have been exposed; and that this act is immediately necessary because it is responsive to the information learned thus far during the coronavirus disease (COVID-19) pandemic and requires legislative approval during an emergency, creating a more balanced response to an emergency. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is

overridden, the date the last house overrides the veto.