

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H2/20/23
A Bill

HOUSE BILL 1293

By: Representatives Gazaway, M. Shepherd

By: Senators C. Tucker, J. Bryant

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 25 OF
THE ARKANSAS CODE CONCERNING STATE GOVERNMENT; TO
REPEAL THE SUBCHAPTER CONCERNING RULES PERTAINING TO
MILK AND CATTLE PRODUCTION; AND FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 25
OF THE ARKANSAS CODE CONCERNING STATE
GOVERNMENT; AND TO REPEAL THE SUBCHAPTER
CONCERNING RULES PERTAINING TO MILK AND
CATTLE PRODUCTION.

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

SECTION 1. Arkansas Code Title 25, Chapter 15, Subchapter 7, is
repealed.

~~Subchapter 7—Rule Report, Sunset, and Extension—Rules Pertaining to Milk
and Cattle Production.~~

~~25-15-701.—Definitions.~~

~~As used in this subchapter:~~

~~(1) “Agency” means a board, commission, department, office, or
other authority of the government of the State of Arkansas that has
promulgated rules pertaining to milk and cattle production, but not including
other rules pertaining solely to waste management;~~



~~(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 pertaining to milk and cattle production, but not including other rules pertaining solely to waste management, 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 under § 25-15-206;~~
or

~~(iii) An intra-agency memorandum; and~~

~~(3) “Rulemaking” means an agency process for the formulation, amendment, or repeal of a rule.~~

~~25-15-702.— Report, sunset, and extension of rules.~~

~~(a)(1) By December 1, 2021, each agency that has promulgated rules pertaining to milk and cattle production, but not including other rules pertaining solely to waste management, shall file an initial rule report with the Governor and the Legislative Council.~~

~~(2)(A) The initial rule report shall contain a list of all the rules in effect promulgated by the agency that pertain to milk and cattle production, but not including other rules pertaining solely to waste management.~~

~~(B) The list of rules under subdivision (a)(2)(A) of this section shall include:—~~

~~(i) The initial effective date of each rule;~~

~~(ii) The date that each rule was filed with the Secretary of State;~~

~~(iii) The authority under which each rule was promulgated; and~~

~~(iv) If the rule is required under state or federal law, a statement regarding the requirement.~~

~~(b)(1) By September 1, 2022, each agency shall file a final rule report.~~

~~(2)(A) The final rule report shall contain:~~

~~(i) A list of all rules in effect that distinguishes between rules that the agency will continue to enforce and rules that the agency wishes to repeal; and~~

~~(ii) The date that the agency filed its initial rule report under subdivision (a)(1) of this section.~~

~~(B) The agency shall provide in writing the legal authority or agency justification for each rule that will continue to be enforced by the agency.~~

~~(C)(i) If the agency chooses to repeal a rule, the agency shall provide in writing the agency justification for repealing the rule.~~

~~(ii) A rule that an agency chooses to repeal under subdivision (b)(2)(C)(i) of this section is not subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

~~(3) The final rule report shall be assigned to the Senate Committee on Agriculture, Forestry, and Economic Development by the President Pro Tempore of the Senate and to the House Committee on Agriculture, Forestry, and Economic Development by the Speaker of the House of Representatives.~~

~~(c) By November 30, 2022, the House Committee on Agriculture, Forestry, and Economic Development and the Senate Committee on Agriculture, Forestry, and Economic Development shall meet jointly to:~~

~~(1) Consider the rules the agency wishes to repeal and the corresponding justifications submitted by the agency under subdivision (b)(2)(C) of this section;~~

~~(2) Consider the agency rules that will continue to be enforced by the agency and the corresponding justification submitted by the agency under subdivision (b)(2)(B) of this section;~~

~~(3) Allow an agency representative and the public to speak about the rules at an interim committee meeting; and~~

~~(4) Recommend that the Legislative Council either accept or reject the agency's decision to repeal a rule.~~

~~(d)(1) If applicable, a final rule report under this section shall be updated by the agency to include and make note of any rule filed, amended, or repealed by the agency during the interim period of time occurring after September 1, 2022.~~

~~(2) An updated final rule report shall include the date the rule was filed, amended, or repealed during the interim.~~

~~(e)(1) Upon receipt of the recommendations of the House Committee on Agriculture, Forestry, and Economic Development and the Senate Committee on Agriculture, Forestry, and Economic Development, the Legislative Council shall vote no later than December 31, 2022, to determine whether each rule shall:~~

~~(A) Continue to remain in effect; or~~

~~(B) Be repealed.~~

~~(2) If the Legislative Council votes to repeal a rule, the rule shall sunset after December 31, 2022.~~

SECTION 2. Arkansas Code § 25-16-903(11), concerning state boards authorized to receive stipends not to exceed sixty dollars (\$60.00) per day, is repealed as the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services also has stipend authorization under § 25-16-904:

~~*(11) State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services;*~~

SECTION 3. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Fourth General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Fourth General Assembly and this act:

(A) The act of the regular session of the Ninety-Fourth General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Fourth General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

/s/Gazaway