

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 288

5 By: Senator D. Wallace
6 By: Representative Dotson
7

For An Act To Be Entitled

9 AN ACT TO ALLOW A LIMITED EXEMPTION FOR RULE
10 PROMULGATION FOR ENTITIES NOT SUBJECT TO THE ARKANSAS
11 ADMINISTRATIVE PROCEDURE ACT; TO ALLOW AN ALTERNATIVE
12 PROCESS FOR FILING A RULE; AND FOR OTHER PURPOSES.
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Subtitle

15 TO ALLOW A LIMITED EXEMPTION FOR RULE
16 PROMULGATION FOR ENTITIES NOT SUBJECT TO
17 THE ARKANSAS ADMINISTRATIVE PROCEDURE
18 ACT; AND TO ALLOW AN ALTERNATIVE PROCESS
19 FOR FILING A RULE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

26 (a) Acts 2019, No. 315, requires the consistent reference and use of
27 the term "rule" and the elimination of unnecessary references to the term
28 "regulation".

29 (b) Acts 2019, No. 315, states that no governmental entity shall be
30 required to re-promulgate existing regulations as rules solely to comply with
31 this act.

32 (c) The Transformation and Efficiencies Act of 2019, Acts 2019, No.
33 910, requires that agencies change terminology in rules to reflect the
34 integrating and restructuring of agencies and departments as enacted therein.

35 (d)(1) Acts 2019, No. 893, allowed an alternative process for filing a
36 rule and a limited exemption for agencies required to follow the procedure



1 under the Arkansas Administrative Procedure Act, § 25-15-201, et seq, for the
2 promulgation of a new or amended rule.

3 (2) Acts 2019, No. 893, did not apply to agencies that are not
4 required to follow the Arkansas Administrative Procedure Act, § 25-15-201, et
5 seq.

6 (e) To facilitate and ensure the use of the term “rule” by an agency
7 not required to follow the Arkansas Administrative Procedure Act, § 25-15-
8 201, et seq, when no update or change to the existing rules is expected or
9 anticipated, and to facilitate the update and change of terminology to
10 reflect the changes enacted by Act 910 of 2019, the General Assembly finds
11 that certain procedures required for approval of rules may be waived.

12 (f) A government agency that is not required to follow the
13 Administrative Procedures Act is not required to follow the procedure set
14 forth in Ark. Code Ann. § 25-15-204 or the government agency’s internal rules
15 regarding the promulgation of a new or amended rule if:

16 (1) The change being made to the promulgated rule or regulation
17 by the agency is:

18 (A) The replacement of the term “regulation” with the term
19 “rule”; or

20 (B) To reflect the changes regarding the integration and
21 restructuring of administrative agencies and departments in Acts 2019, No.
22 910;

23 (2) The agency files the updated rule with the Secretary of
24 State on or before January 1, 2022; and

25 (3) A letter is provided to the Legislative Council by the
26 agency stating the following:

27 (A) A rule has been filed with the office of the Secretary
28 of State;

29 (B) The name of the rule;

30 (C) A brief description of the rule; and

31 (D) An affirmative statement that the only change to the
32 rule is:

33 (i) A change from the use of the term “regulation”
34 to the term “rule”; or

35 (ii) A change in terminology to reflect the
36 integration and restructuring of administrative agencies and departments.

