

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/22/17
A Bill

SENATE BILL 512

5 By: Senator Collins-Smith
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT;
9 CONCERNING THE ADOPTION OF A NEW RULE BY A STATE
10 AGENCY; AND FOR OTHER PURPOSES.
11

12 **Subtitle**

13 TO AMEND THE ADMINISTRATIVE PROCEDURE
14 ACT; AND CONCERNING THE ADOPTION OF A NEW
15 RULE BY A STATE AGENCY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 25-15-204(b), concerning the procedure for
22 rule adoption under the Administrative Procedure Act, is amended to read as
23 follows:

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

27 (ii) The rule to be repealed by the agency under
28 subdivision (b)(1)(A)(i) of this section shall be repealed before the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

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

32 (i) Specifically required by the General Assembly;

33 or

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

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



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

4 ~~(2)~~(3) An agency shall adopt the least costly rule considered
5 under this section, unless:

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

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

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

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

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15 */s/Collins-Smith*
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