

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1302

5 By: Representative Cozart
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE RED TAPE REDUCTION COLLECTIVE
9 RULEMAKING ACT OF 2019; TO ESTABLISH AN EXPEDITED
10 PROCEDURE FOR OCCUPATIONAL LICENSING ENTITIES TO
11 COLLECTIVELY SUBMIT PROPOSED, AMENDED, OR REPEALED
12 RULES RESPONSIVE TO LEGISLATION; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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16 TO CREATE THE RED TAPE REDUCTION
17 COLLECTIVE RULEMAKING ACT OF 2019.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. DO NOT CODIFY. Title.

24 This act shall be known and may be cited as the "Red Tape Reduction
25 Collective Rulemaking Act of 2019".
26

27 SECTION 2. DO NOT CODIFY. Legislative findings and intent.

28 (a) The General Assembly finds that:

29 (1) Arkansas is taking a leading role in the nationwide pursuit
30 of reforms to the system of occupational licensing;

31 (2) Arkansas became one (1) of eleven (11) states chosen to
32 participate in the Occupational Licensing Policy Learning Consortium, an
33 initiative funded by a grant from the United States Department of Labor and
34 supported in partnership with the National Conference of State Legislatures,
35 the Council of State Governments, and the National Governors Association;

36 (3) Governor Asa Hutchinson appointed seventeen (17) individuals



1 to the Red Tape Reduction Working Group to review and address occupational
 2 licensing regulations that create unnecessary barriers to labor market entry;
 3 and

4 (4) The Red Tape Reduction Working Group issued a final report
 5 to the Governor in the fall of 2018 with five (5) recommendations for
 6 substantive legislative reform, which are to:

7 (A) Establish an expedited procedure for occupational
 8 licensing entities to collectively submit administrative rules that are
 9 responsive to new legislation;

10 (B) Extend Acts 2017, No. 781, to allow repeal of
 11 subsections of rules;

12 (C) Establish provisions to allow certain agencies to
 13 consider occupational relevance with regard to criminal background issues;

14 (D) Authorize occupational licensing entities to identify
 15 types of individuals or entities that may be issued temporary or provisional
 16 licenses; and

17 (E) Establish a systematic process for review of:

18 (i) New occupational licensure and occupational
 19 licensing entities; and

20 (ii) Existing occupational licensure and
 21 occupational licensing entities.

22 (b) It is the intent of the General Assembly to establish an expedited
 23 procedure for occupational licensing entities to collectively submit
 24 administrative rules that are responsive to new legislation.

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 26 SECTION 3. Arkansas Code § 10-3-309(c), concerning the review and
 27 approval of state agency rules, is amended to add an additional subdivision
 28 to read as follows:

29 (5)(A) If enacted legislation requires or results in more
 30 than one (1) state agency adopting, amending, or repealing rules on a similar
 31 subject matter:

32 (i)(a) A state agency may request that all proposed
 33 rules filed with the Legislative Council regarding the enacted legislation be
 34 grouped together and reviewed and approved as a single group; or

35 (b) A member of the General Assembly may
 36 request that all proposed rules filed with the Legislative Council regarding

1 the enacted legislation be grouped together and reviewed and approved as a
 2 single group; and

3 (ii) If the proposed rules are grouped together
 4 under subdivision (c)(5)(A)(i) of this section, the proposed rules may be
 5 reviewed and approved as a single group by any of the following, as
 6 appropriate:

7 (a) The Legislative Council;

8 (b) The Administrative Rules and Regulations
 9 Subcommittee of the Legislative Council;

10 (c) The Joint Budget Committee; or

11 (d) The Administrative Rule and Regulation
 12 Review Subcommittee.

13 (B) If the proposed rules are grouped together under
 14 subdivision (c)(5)(A)(i) of this section for review, the Legislative Council,
 15 the Administrative Rules and Regulations Subcommittee of the Legislative
 16 Council, the Joint Budget Committee, or the Administrative Rule and
 17 Regulation Review Subcommittee, as appropriate, may:

18 (i) Separate the proposed rules if requested by:

19 (a) A member of the General Assembly; or

20 (b) One (1) of the state agencies that
 21 promulgated the proposed rules; and

22 (ii) Elect to approve one (1) or more of the
 23 proposed rules separated under subdivision (c)(5)(B)(i) of this section.

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 25 SECTION 4. Arkansas Code § 25-15-204(a)(1), concerning notice
 26 requirements under the Arkansas Administrative Procedure Act, is amended to
 27 add an additional subdivision to read as follows:

28 (E)(i) If enacted legislation requires or results in more
 29 than one (1) agency adopting, amending, or repealing rules on a similar
 30 subject matter, the agencies may publish a combined notice for all rules.

31 (ii) The combined notice shall:

32 (a) Include:

33 (1) The names of all agencies involved
 34 in the collective filing; and

35 (2) The time, location, and manner in
 36 which an interested person may present his or her position on the intended

1 action of each agency or on the issues related to the intended action of each
2 agency; and

3 (b) Meet the requirements of subdivisions
4 (a)(1)(C) and (D) of this section; and

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6 SECTION 5. Arkansas Code § 25-15-204(a)(2), concerning public hearing
7 requirements under the Arkansas Administrative Procedure Act, is amended to
8 add an additional subdivision to read as follows:

9 (F) Agencies that publish a combined notice as described
10 in subdivision (a)(1)(E) of this section may hold a joint public hearing when
11 required by law or otherwise desired by the agencies; and

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14 **APPROVED: 3/6/19**