

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

# A Bill

SENATE BILL 641

4  
5 By: Senator B. Ballinger  
6 By: Representative Dotson

## For An Act To Be Entitled

9 AN ACT TO ALLOW A LIMITED EXEMPTION TO THE ARKANSAS  
10 ADMINISTRATIVE PROCEDURES ACT; TO ALLOW AN  
11 ALTERNATIVE PROCESS FOR FILING RULES; AND FOR OTHER  
12 PURPOSES.

## Subtitle

13  
14  
15  
16 TO ALLOW A LIMITED EXEMPTION TO THE  
17 ARKANSAS ADMINISTRATIVE PROCEDURES ACT;  
18 AND TO ALLOW AN ALTERNATIVE PROCESS FOR  
19 FILING RULES.

20  
21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23  
24 SECTION 1. DO NOT CODIFY. Legislative Findings and Intent.

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

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

31 (c) Certain agencies are required to follow the procedure under the  
32 Arkansas Administrative Procedure Act, § 25-15-201 et seq., for the  
33 promulgation of a new or amended rule.

34 (d) To facilitate and ensure the use of the term "rule" by an agency  
35 when no update or change to the existing rule is expected or anticipated, the  
36 General Assembly finds that certain procedures under the Arkansas



1 Administrative Procedure Act, § 25-15-201 et seq., may be waived.

2 (e) A governmental entity is not required to follow the procedure set  
3 forth in § 25-15-204 if:

4 (1) The only change being made to the promulgated rule or  
5 regulation by the agency is the replacement of the term "regulation" with the  
6 term "rule";

7 (2) The agency files the updated rule with the Secretary of  
8 State on or before January 1, 2020; and

9 (3) A letter is provided to the Legislative Council by the  
10 agency stating that a rule has been filed with the Secretary of State's  
11 office, the name of the rule, a brief description of the rule, and an  
12 affirmative statement that the only change to the rule is a change from the  
13 use of the term "regulation" to the term "rule".

14 (f) An agency may continue to follow the procedure set forth in § 25-  
15 15-204 for the adoption of a rule that changes the term "regulation" to  
16 "rule".

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36