

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H2/20/23

# A Bill

HOUSE BILL 1293

5 By: Representatives Gazaway, M. Shepherd  
6 By: Senators C. Tucker, J. Bryant  
7

## For An Act To Be Entitled

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

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 25  
16 OF THE ARKANSAS CODE CONCERNING STATE  
17 GOVERNMENT; AND TO REPEAL THE SUBCHAPTER  
18 CONCERNING RULES PERTAINING TO MILK AND  
19 CATTLE PRODUCTION.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code Title 25, Chapter 15, Subchapter 7, is  
26 repealed.  
27

28 ~~Subchapter 7—Rule Report, Sunset, and Extension—Rules Pertaining to Milk~~  
29 ~~and Cattle Production.~~  
30

31 ~~25-15-701. Definitions.~~

32 ~~As used in this subchapter:~~

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



1           ~~(2)(A) “Rule” means an agency statement of general applicability~~  
2 ~~and future effect that implements, interprets, or prescribes law or policy or~~  
3 ~~describes the organization, procedure, or practice of an agency pertaining to~~  
4 ~~milk and cattle production, but not including other rules pertaining solely~~  
5 ~~to waste management, including without limitation the amendment or repeal of~~  
6 ~~a prior rule.~~

7           ~~(B) “Rule” does not mean:—~~

8                     ~~(i) A statement that concerns the internal management~~  
9 ~~of an agency and that does not affect the private rights or procedures~~  
10 ~~available to the public;~~

11                    ~~(ii) A declaratory ruling issued under § 25-15-206;~~  
12 ~~or~~

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

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

16  
17           ~~25-15-702.— Report, sunset, and extension of rules.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9                           ~~(B) Be repealed.~~

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

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

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

19  
20           SECTION 3. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

21           It is the intent of the General Assembly that:

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

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

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

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

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

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

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

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*/s/Gazaway*

**APPROVED: 3/6/23**