

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

As Engrossed: S4/22/21
A Bill

HOUSE BILL 1920

5 By: Representative Vaught
6 By: Senator G. Stubblefield
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH A PROCESS FOR REVIEW AND A SUNSET
10 DATE FOR STATE AGENCY RULES PERTAINING TO MILK AND
11 CATTLE PRODUCTION; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO ESTABLISH A PROCESS FOR REVIEW AND A
16 SUNSET DATE FOR STATE AGENCY RULES
17 PERTAINING TO MILK AND CATTLE PRODUCTION.
18
19

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

22 SECTION 1. DO NOT CODIFY. Legislative findings and determinations.
23 The General Assembly finds and determines that:

24 (1) Dairy farmers and cattle farmers are a key part of
25 Arkansas's agriculture and economy; and

26 (2) To help support the state's dairy and cattle farmers, it is
27 in the best interest of this state to conduct a comprehensive review of
28 agency rules pertaining to the milk and cattle production, but not including
29 other rules pertaining solely to waste management.
30

31 SECTION 2. Arkansas Code Title 25, Chapter 15, is amended to add an
32 additional subchapter to read as follows:

33 Subchapter 6 – Rule Report, Sunset, and Extension – Rules Pertaining to Milk
34 and Cattle Production.
35

36 25-15-601. Definitions.



1 As used in this subchapter:

2 (1) "Agency" means a board, commission, department, office, or
3 other authority of the government of the State of Arkansas that has
4 promulgated rules pertaining to milk and cattle production, but not including
5 other rules pertaining solely to waste management,

6 (2)(A) "Rule" means an agency statement of general applicability
7 and future effect that implements, interprets, or prescribes law or policy or
8 describes the organization, procedure, or practice of an agency pertaining to
9 milk and cattle production, but not including other rules pertaining solely
10 to waste management, including without limitation the amendment or repeal of
11 a prior rule.

12 (B) "Rule" does not mean:

13 (i) A statement that concerns the internal
14 management of an agency and that does not affect the private rights or
15 procedures available to the public;

16 (ii) A declaratory ruling issued under § 25-15-206;
17 or

18 (iii) An intra-agency memorandum; and

19 (3) "Rulemaking" means an agency process for the formulation,
20 amendment, or repeal of a rule.

21
22 25-15-602. Report, sunset, and extension of rules.

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

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

31 (B) The list of rules under subdivision (a)(2)(A) of this
32 section shall include:

33 (i) The initial effective date of each rule;

34 (ii) The date that each rule was filed with the
35 Secretary of State;

36 (iii) The authority under which each rule was

1 promulgated; and

2 (iv) If the rule is required under state or federal
3 law, a statement regarding the requirement.

4 (b)(1) By September 1, 2022, each agency shall file a final rule
5 report.

6 (2)(A) The final rule report shall contain:

7 (i) A list of all rules in effect that distinguishes
8 between rules that the agency will continue to enforce and rules that the
9 agency wishes to repeal; and

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

12 (B) The agency shall provide in writing the legal
13 authority or agency justification for each rule that will continue to be
14 enforced by the agency.

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

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

20 (3) The final rule report shall be assigned to the Senate
21 Committee on Agriculture, Forestry, and Economic Development by the President
22 Pro Tempore of the Senate and to the House Committee on Agriculture,
23 Forestry, and Economic Development by the Speaker of the House of
24 Representatives.

25 (c) By November 30, 2022, the House Committee on Agriculture,
26 Forestry, and Economic Development and the Senate Committee on Agriculture,
27 Forestry, and Economic Development shall meet jointly to:

28 (1) Consider the rules the agency wishes to repeal and the
29 corresponding justifications submitted by the agency under subdivision
30 (b)(2)(C) of this section;

31 (2) Consider the agency rules that will continue to be enforced
32 by the agency and the corresponding justification submitted by the agency
33 under subdivision (b)(2)(B) of this section;

34 (3) Allow an agency representative and the public to speak about
35 the rules at an interim committee meeting; and

36 (4) Recommend that the Legislative Council either accept or

1 reject the agency's decision to repeal a rule.

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

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

8 (e)(1) Upon receipt of the recommendations of the House Committee on
9 Agriculture, Forestry, and Economic Development and the Senate Committee on
10 Agriculture, Forestry, and Economic Development, the Legislative Council
11 shall vote no later than December 31, 2022, to determine whether each rule
12 shall:

13 (A) Continue to remain in effect; or

14 (B) Be repealed.

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

17
18 SECTION 3. EFFECTIVE DATE.

19 This act shall be effective on September 1, 2021.

20
21 */s/Vaught*
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36