

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

# A Bill

SENATE BILL 15

5 By: Senator D. Sullivan  
6 By: Representative Gonzales  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS EMERGENCY SERVICES ACT  
10 OF 1973 CONCERNING THE SUSPENSION OF REGULATORY  
11 STATUTES, ORDERS, OR RULES DURING AN EMERGENCY; TO  
12 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND THE ARKANSAS EMERGENCY  
16 SERVICES ACT OF 1973 CONCERNING THE  
17 SUSPENSION OF REGULATORY STATUTES,  
18 ORDERS, OR RULES DURING AN EMERGENCY; AND  
19 TO DECLARE AN EMERGENCY.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 12-75-114(e)(1), concerning the disaster  
26 emergency responsibilities of the Governor, is amended to read as follows:

27 (1)(A) Suspend the provisions of any regulatory statutes  
28 prescribing the procedures for conduct of state business, or the orders or  
29 rules of any state agency, if strict compliance with the provisions of any  
30 regulatory statute, order, or rule would in any way prevent, hinder, or delay  
31 necessary action in coping with the emergency.

32 (B) A suspension of a regulatory statute, order, or rule  
33 under subdivision (e)(1)(A) of this section expires after thirty (30) days  
34 unless:

35 (i) The Governor finds that the threat or danger has  
36 passed and terminates the state of disaster emergency by executive order or



1 proclamation under this subchapter before the expiration of the thirty-day  
 2 period; or

3 (ii) An extension of the thirty-day period is  
 4 approved by passage of:

5 (a) A concurrent resolution of the General  
 6 Assembly, if the General Assembly is in regular, fiscal, or extraordinary  
 7 session; or

8 (b) A resolution of the Legislative Council,  
 9 if the General Assembly is not in regular, fiscal, or extraordinary session;

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 11 SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE. A regulatory statute,  
 12 order, or rule suspended under § 12-75-114(e)(1) as of the effective date of  
 13 this act shall remain suspended for thirty (30) days following the effective  
 14 date of this act or until an action is taken under § 12-75-114(e)(1)(B),  
 15 whichever is earlier, without regard to whether the state of disaster  
 16 emergency related to the suspension of the regulatory statute, rule, or order  
 17 is terminated before the expiration of the suspension under this section.

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 19 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
 20 General Assembly of the State of Arkansas that under the Arkansas Emergency  
 21 Services Act of 1973, § 12-75-101 et seq., broad discretion is granted to the  
 22 Governor to deal with emergencies; that because the nature of the coronavirus  
 23 disease (COVID-19) pandemic has required swift and long-term action on the  
 24 part of the Governor, the law has been tested and deficiencies in the law  
 25 have been exposed; and that this act is immediately necessary because it is  
 26 responsive to the information learned thus far during the coronavirus disease  
 27 (COVID-19) pandemic and requires legislative approval during an emergency,  
 28 creating a more balanced response to an emergency. Therefore, an emergency is  
 29 declared to exist, and this act being immediately necessary for the  
 30 preservation of the public peace, health, and safety shall become effective  
 31 on:

32 (1) The date of its approval by the Governor;

33 (2) If the bill is neither approved nor vetoed by the Governor,  
 34 the expiration of the period of time during which the Governor may veto the  
 35 bill; or

36 (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto.

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