

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

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.
13
14

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.
20
21
22

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26 repealed.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.~~

12
 13 SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

14 It is the intent of the General Assembly that:

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

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

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

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

25 (ii) Amending or repealing the appropriate parts of
 26 the Arkansas Code of 1987; and

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

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

30
 31
 32
 33
 34
 35
 36