

Stricken language would be deleted from and underlined language would be added to present law.

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.
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.
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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26 repealed.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