

Hall of the House of Representatives
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of House Bill No. 1431

TO AMEND ARKANSAS LAW CONCERNING ADMINISTRATIVE RULES.

Amendment No. 1 to House Bill 1431

Amend House Bill No. 1431 as originally introduced:

Page 2, line 12, delete "new," and substitute "final version of the new,"

AND

Page 2, delete line 13 and substitute the following:
"for adoption with the Secretary of State:"

AND

Page 2, delete line 28 and substitute the following:
"rule for approval before the appropriate date."

(3)(A) If an agency fails to file the final version of the new, amended, or repealed rule for adoption as required by subdivision (b)(1) of this section, the executive head of the agency at issue shall appear before the Legislative Council or its appropriate subcommittee on a monthly basis until the final version of the new, amended, or repealed rule is filed for adoption with the Secretary of State.

(B) When appearing before the Legislative Council or its appropriate subcommittee, the executive head of the agency at issue shall:

(i) Describe why the agency has been unable to comply with subdivision (b)(1) of this section;

(ii) Provide an update on the current status of the necessary rule changes;

(iii) Describe the steps the agency is taking to address the failure to comply with subdivision (b)(1) of this section; and



(iv) Provide an anticipated date for when the final version of the new, amended, or repealed rule will be filed for adoption with the Secretary of State."

AND

Immediately following SECTION 2 of the bill, add an additional section of the bill to read as follows:

"SECTION 3. DO NOT CODIFY.

The General Assembly finds that:

(1) It is common for acts of the General Assembly to delegate rulemaking authority to a state agency for the purpose of implementing and administering various duties and responsibilities;

(2) Broad interpretation of rulemaking authority by a state agency results in the state agency's supplanting the role of the General Assembly by effectively legislating in areas not intended by the General Assembly; and

(3) A state agency that has been delegated rulemaking authority should limit its rulemaking to only those areas absolutely necessary and should avoid broad applications or interpretations of its rulemaking power."

AND

Page 3, delete lines 21 through 31

AND

Page 3, line 32, delete "(c)" and substitute "(b)"

AND

Page 3, line 36, delete "(c)" and substitute "(b)"

AND

Page 4, line 7, delete "(d)" and substitute "(c)"

AND

Appropriately renumber the remaining sections of the bill

The Amendment was read _____

By: Representative Dotson

MBM/MBM - 02-20-2019 09:39:09

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Chief Clerk