Act 932 of the 1989 Regular Session.

Act 932   HB1926

By: Representative Mahony

"AN ACT TO AMEND TITLE 25, CHAPTER 15, SUBCHAPTER 2 OF THE
ARKANSAS CODE OF 1987 TO CLARIFY THE TWENTY DAY TIME PERIOD
FOR ADOPTION OF ADMINISTRATIVE RULES OR REGULATIONS; AND FOR
OTHER PURPOSES."

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

SECTION 1. Arkansas Code 25-15-204 is hereby amended by adding a new
subsection to read as follows:
"(g) The twenty (20) day notice contained in (a)(1) shall run concurrent
with the twenty (20) days contained in (e) of this section."

SECTION 2. Arkansas Code 25-15-204 is hereby amended by adding a new
subsection to read as follows:
"(h) In any proceeding brought which questions the existence of imminent
peril to the public health, safety, or welfare, a written finding by the
agency that adoption of any emergency rule was necessary to avoid the loss of
federal funding or certification shall establish a prima facie case of the
existence of imminent peril to the public health, safety or welfare and the
burden of proof shall shift to the challenger to rebut the existence of the
condition by a preponderance of the evidence."

SECTION 3. All provisions of this act of a general and permanent nature
are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this act are
hereby repealed.

SECTION 5. It is hereby found and determined by the General Assembly
that recent court interpretations have resulted in uncertainty for state
agencies as to when administrative rules and regulations may become effective;
that to extend the date of their effectiveness beyond twenty (20) days would
work an undue hardship on implementation of such rules and regulations.
Therefore, an emergency is hereby declared to exist and this act being
necessary for the preservation of the public peace, health and safety shall be
in full force and effect from and after its passage and approval.

APPROVED: March 24, 1989

_____