

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Wren**

A Bill

ACT 1104 OF 1995
HOUSE BILL 1686

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 25-15-204 AND 10-3-309
9 (e) (1) TO REQUIRE STATE AGENCIES TO FILE A STATEMENT OF
10 FINANCIAL IMPACT FOR NEW AND REVISED RULES AND
11 REGULATIONS; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO REQUIRE STATE AGENCIES TO
15 FILE A STATEMENT OF FINANCIAL IMPACT FOR
16 NEW AND REVISED RULES AND REGULATIONS."

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

22 SECTION 1. Arkansas Code 25-15-204 (d) (1) is amended to read as follows:

23 "(d) (1) Every agency, including those exempted under § 25-15-202, shall
24 file with the Secretary of State and the Arkansas State Library a certified
25 copy of each rule and regulation adopted by it and a statement of financial
26 impact for the rule or regulation. *The scope of the financial impact*
27 *statement shall be determined by the agency but shall include, at a minimum,*
28 *the estimated cost of complying with the rule and the estimated cost for the*
29 *agency to implement the rule. If the agency has reason to believe that the*
30 *development of a financial impact statement will be so speculative as to be*
31 *cost prohibited, the agency shall submit a statement and explanation to that*
32 *effect. If the purpose of a state agency rule or regulation is to implement a*
33 *federal rule or regulation, the financial impact statement shall be limited to*
34 *any incremental additional cost of the state rule or regulation as opposed to*
35 *the federal rule or regulation."*

1 SECTION 2. Arkansas Code 10-3-309 (e) (1) is amended to read as follows:

2 "(1) Before any rule or regulation of any agency of the state may be
3 revised, promulgated, amended, or changed, a copy of the rule or amendment to
4 existing rules and a financial impact statement shall be filed with the
5 *Arkansas Legislative Council at least thirty (30) days before the expiration*
6 *of the period for public comment on the rule pursuant to the Administrative*
7 *Procedure Act, as amended, §25-15-201 et seq., or other acts pertaining to the*
8 *rule-making authority of that agency. The scope of the financial impact*
9 *statement shall be determined by the agency but shall include, at a minimum,*
10 *the estimated cost of complying with the rule or regulation and the estimated*
11 *cost for the agency to implement the rule or regulation. If the agency has*
12 *reason to believe that the development of a financial impact statement will be*
13 *so speculative as to be cost prohibited, the agency shall submit a statement*
14 *and explanation to that effect. If the purpose of a state agency rule or*
15 *regulation is to implement a federal rule or regulation, the financial impact*
16 *statement shall be limited to any incremental additional cost of the state*
17 *rule or regulation as opposed to the federal rule or regulation."*

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

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23 SECTION 4. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 5. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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/s/Rep. Wren

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APPROVED: 4-10-95