

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

A Bill

ACT 710 OF 1995
SENATE BILL 488

For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR THE AUTHORITY OF THE DEPARTMENT OF
9 HUMAN SERVICES AND ITS RESPECTIVE DIVISIONS TO ISSUE RULES
10 TO ASSURE COMPLIANCE WITH FEDERAL STATUTES, RULES, AND
11 REGULATIONS; AND FOR OTHER PURPOSES."

Subtitle

14 "TO PROVIDE FOR THE AUTHORITY OF THE
15 DEPARTMENT OF HUMAN SERVICES AND ITS
16 RESPECTIVE DIVISIONS TO ISSUE RULES TO
17 ASSURE COMPLIANCE WITH FEDERAL STATUTES,
18 RULES, AND REGULATIONS."

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

22 SECTION 1. It is the intent of the General Assembly that the State of
23 Arkansas utilize federal funding to the fullest extent possible to provide
24 care to persons eligible for assistance or benefits under programs wholly or
25 partially federally funded or fundable. The General Assembly recognizes that
26 the Department of Human Services is presently charged with, among other
27 things, all welfare activity in the State including services to children, to
28 the aged, blind, and disabled, public assistance, and medical assistance. The
29 General Assembly further recognizes that federal laws and regulations
30 affecting such programs are the supreme law of the land and change frequently,
31 sometimes with little or no advance notice to the State, such that it is
32 impractical to prescribe the operations of such programs by statute. It is
33 therefore the intent of the General Assembly to clarify and consolidate the
34 authority of the Department of Human Services to assure conformity with all
35 applicable federal dictates by empowering the Department and its divisions to
36 by rule, adopt or implement all federal statutes, rules, and regulations as

1 may be currently in force, or as may be adopted or amended in the future, when
2 such rule is necessary to conform to federal statutes, rules, and regulations
3 affecting programs administered or funded by or through the Department of
4 Human Services.

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6 SECTION 2. The Department of Human Services and its various divisions
7 are hereby authorized and directed to promulgate rules as necessary to
8 conform to federal statutes, rules, and regulations as may now, or in the
9 future, affect programs administered or funded by or through the Department or
10 its various divisions, as necessary to receive any federal funds which may
11 now, or in the future, be available to the Department or its various
12 divisions.

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14 SECTION 3. All rules promulgated pursuant to this act shall be
15 promulgated in conformity with the Administrative Procedure Act and after
16 legislative review as required by Arkansas Code Annotated 10-3-309.

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18 SECTION 4. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 5. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 6. (a) Arkansas Code 20-76-201(b)(17) and 20-77-107(b)(1) are
29 hereby repealed.

30 (b) All laws and parts of laws in conflict with this act are hereby
31 repealed.

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APPROVED: 3-21-95

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