

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

# **A Bill**

**ACT 884 OF 1995**  
**SENATE BILL 519**

## **For An Act To Be Entitled**

8 "AN ACT TO REPEAL ARKANSAS CODE 25-15-204 (g) AND TO AMEND  
9 ARKANSAS CODE 25-15-204 (a), 25-15-204 (d) and (e), AND  
10 ARKANSAS CODE 10-3-309 (e) (1) AND (f) (2), RELATING TO  
11 ADMINISTRATIVE RULEMAKING; AND FOR OTHER PURPOSES."

### **Subtitle**

13 "AMENDING VARIOUS ARKANSAS CODE SECTIONS  
14 RELATING TO ADMINISTRATIVE RULEMAKING."

16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Annotated §25-15-204 (g) is repealed.

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21 SECTION 2. Arkansas Code 25-15-204 (a) is amended to read as follows:

22 "(a) Prior to the adoption, amendment, or repeal of any rule, the  
23 agency shall:

24 (1) Give at least thirty (30) days\_ notice of its intended  
25 action. The thirty-day period shall begin on the first day of the publication  
26 of notice.

27 (A) The notice shall include a statement of the terms or  
28 substance of the intended action, or a description of the subjects and issues  
29 involved, and the time, the place where, and the manner in which interested  
30 persons may present their views thereon.

31 (B) The notice shall be mailed to any person specified by  
32 law and to all persons who shall have requested advance notice of rulemaking  
33 proceedings.

34 (C) The notice shall be published as specified by law or,  
35 if no manner of publication is so specified, then in those newspapers of  
36 general daily circulation and, where appropriate, in those trade, industry, or

1 professional publications which the agency may select;

2           (2) Afford all interested persons reasonable opportunity to  
3 submit written data, views, or arguments, and, if the agency in its discretion  
4 shall so direct, oral testimony or argument. Where rules are required by law  
5 to be made on the record after opportunity for an agency hearing, the  
6 provisions of that law shall apply in place of this subdivision."

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8           SECTION 3. Arkansas Code 25-15-204(d) and (e) are amended to read as  
9 follows:

10           "(d) (1) Every agency, including those exempted under § 25-15-202, shall  
11 file with the Secretary of State, the Arkansas State Library and the Arkansas  
12 Code Revision Commission a copy of each rule and regulation adopted by it.

13           (2) The Secretary of State shall keep a register of the rules open  
14 to public inspection, and it shall be a permanent register.

15           (3) The Arkansas Code Revision Commission shall publish a code of  
16 state regulations pursuant to § 1-2-301 et seq.

17           (e) Each rule adopted by an agency shall be effective ten (10) days  
18 after filing unless a later date is specified by law or in the rule itself.  
19 However, an emergency rule may become effective immediately upon filing, or at  
20 a stated time less than ten (10) days thereafter, if the agency finds that  
21 this effective date is necessary because of imminent peril to the public  
22 health, safety, or welfare. The agency's finding and a brief statement of the  
23 reasons therefor shall be filed with the rule. The agency shall take  
24 appropriate measures to make emergency rules known to the persons who may be  
25 affected by them."

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27           SECTION 4. Arkansas Code 10-3-309(e) (1) is amended to read as follows:

28           "(e) (1) Before any rule or regulation of any agency of the state may be  
29 revised, promulgated, amended, or changed, a copy of the rule or amendment to  
30 existing rules shall be filed with the Arkansas Legislative Council at least  
31 thirty (30) days before the expiration of the period for public comment on the  
32 rule pursuant to the Administrative Procedure Act, as amended, § 25-15-201 et  
33 seq., or other acts pertaining to the rulemaking authority of that agency."

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35           SECTION 5. Arkansas Code 10-3-309(f) (2) is amended to read as follows:

1           "(2) The filing shall be made at least thirty (30) days before the  
2 expiration of the period for public comment on the rule pursuant to the  
3 Administrative Procedure Act, as amended, § 25-15-201 et seq., or other acts  
4 pertaining to the rulemaking authority of the agency."  
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6           SECTION 6. All provisions of this act of a general and permanent nature  
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
8 Revision Commission shall incorporate the same in the Code.  
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10          SECTION 7. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.  
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16          SECTION 8. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

18   /s/Mahony  
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20   APPROVED: 4-3-95  
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