

Department of Finance and Administration

Legislative Impact Statement

Bill: SB863

Bill Subtitle: TO AMEND THE ARKANSAS ADMINISTRATIVE PROCEDURE ACT CONCERNING ADMINISTRATIVE RULES.

Basic Change :

Sen. Sample,

SB863 amends Ark. Code Ann. §25-15-204(a)(2) to require all rule-making agencies to afford all interested persons a reasonable opportunity to submit written data, views, or arguments concerning a proposed rule in writing and at a public hearing. Under current law, hearings are required only if requested by 25 persons, by a governmental subdivision or agency, or by an association comprised of at least 25 members. This requirement does not generally impose any burden on the Revenue Division of DFA, which holds a hearing on each rule that it promulgates.

The bill extends the current time of 30 days before a final rule becomes effective to 60 days. Under current law, all rules but emergency rules become effective 30 days after filing of the final rule. This extension will delay implementation of rules.

Revenue Impact :

None

Taxpayer Impact :

None

Resources Required :

None

Time Required :

None

Procedural Changes :

None

Other Comments :

None

Legal Analysis :

The provision that an emergency rule may become effective immediately upon filing was not changed but the alternative part of the law that made an emergency rule effective at a stated time less than 30 days after filing was also extended to 60 days. The ability for expedited effectiveness is conditioned upon a finding by the agency that the effective date is necessary because of imminent peril to the public health, safety, or welfare.

Unless state laws clearly outline their intent as well as procedures to implement the law, delaying adoption of rules may prevent the Department from performing its duty to carry out the intent of the legislature.

The bill does not contain an emergency clause.