

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

# A Bill

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.  
29 The General Assembly further recognizes that federal laws and regulations  
30 affecting such programs are the supreme law of the land and change  
31 frequently, sometimes with little or no advance notice to the State, such  
32 that it is impractical to prescribe the operations of such programs by  
33 statute. It is therefore the intent of the General Assembly to clarify and  
34 consolidate the authority of the Department of Human Services to assure  
35 conformity with all applicable federal dictates by empowering the Department

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

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

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

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19       SECTION 4. 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 5. 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 6. (a) Arkansas Code 20-76-201(b)(17) and 20-77-107(b)(1) are  
30 hereby repealed.

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32 repealed.

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