

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

# A Bill

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

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

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

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 Arkansas Code Annotated §25-15-204(g) is repealed.

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  
26 publication 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

1 general daily circulation and, where appropriate, in those trade, industry,  
2 or professional publications which the agency may select;

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

9

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

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

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

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

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

29

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

31           "(e)(1) Before any rule or regulation of any agency of the state may  
32 be revised, promulgated, amended, or changed, a copy of the rule or amendment  
33 to existing rules shall be filed with the Arkansas Legislative Council at  
34 least thirty (30) days before the expiration of the period for public comment  
35 on the rule pursuant to the Administrative Procedure Act, as amended, § 25-

1 15-201 et seq., or other acts pertaining to the rulemaking authority of that  
2 agency."

3

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

5 "(2) The filing shall be made at least thirty (30) days before the  
6 expiration of the period for public comment on the rule pursuant to the  
7 Administrative Procedure Act, as amended, § 25-15-201 et seq., or other acts  
8 pertaining to the rulemaking authority of the agency."

9

10 SECTION 6. All provisions of this act of a general and permanent  
11 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
12 Code Revision Commission shall incorporate the same in the Code.

13

14 SECTION 7. If any provision of this act or the application thereof to  
15 any person or circumstance is held invalid, such invalidity shall not affect  
16 other provisions or applications of the act which can be given effect without  
17 the invalid provision or application, and to this end the provisions of this  
18 act are declared to be severable.

19

20 SECTION 8. All laws and parts of laws in conflict with this act are  
21 hereby repealed.

22

*/s/Mahony*

23

24

25

26

27

28

29

30

31

32

33

34

35

- 1
- 2
- 3
- 4
- 5