

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

SENATE BILL 280

4  
5 By: Senator Gordon  
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## For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 25-15-204 RELATING TO  
10 OPPORTUNITY OF INTERESTED PERSONS TO COMMENT ON PROPOSED  
11 RULES UNDER THE ARKANSAS ADMINISTRATIVE PROCEDURES ACT;  
12 AND FOR OTHER PURPOSES."  
13

## Subtitle

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15 "TO REQUIRE AGENCIES TO FULLY CONSIDER  
16 COMMENTS CONCERNING PROPOSED RULES PRIOR  
17 TO ADOPTING THE FINAL FORM OF THE RULE"  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Annotated § 25-15-204, regarding procedure for  
22 adoption of rules under the Arkansas Administrative Act, is amended to read as  
23 follows:

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

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

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

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

35 (C) The notice shall be published as specified by law or,  
36 if no manner of publication is so specified, then in those newspapers of

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

3 (2) Afford all interested persons reasonable opportunity to submit  
4 written data, views, or arguments, ~~and, if the agency in its discretion shall~~  
5 ~~so direct, oral testimony or argument~~ orally or in writing. Opportunity for  
6 oral hearing must be granted if requested by twenty-five (25) persons, by a  
7 governmental subdivision or agency, or by an association having not less than  
8 twenty-five (25) members. The agency shall fully consider all written and  
9 oral submissions respecting the proposed rule before finalizing the language  
10 of the proposed rule and filing the proposed rule as required by §25-15-  
11 204(d). Upon adoption of a rule, the agency, if requested to do so by an  
12 interested person either prior to adoption or within thirty (30) days  
13 thereafter, shall issue a concise statement of the principal reasons for and  
14 against its adoption, incorporating therein its reasons for overruling the  
15 considerations urged against its adoption. Where rules are required by law to  
16 be made on the record after opportunity for an agency hearing, the provisions  
17 of that law shall apply in place of this subdivision."  
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19 SECTION 2. All provisions of this act of a general and permanent nature  
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
21 Revision Commission shall incorporate the same in the Code.  
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23 SECTION 3. 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 4. All laws and parts of laws in conflict with this act are  
30 hereby repealed.  
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