

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Senator B. Sample

A Bill

SENATE BILL 863

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS ADMINISTRATIVE PROCEDURE
9 ACT CONCERNING ADMINISTRATIVE RULES; AND FOR OTHER
10 PURPOSES.

Subtitle

14 TO AMEND THE ARKANSAS ADMINISTRATIVE
15 PROCEDURE ACT CONCERNING ADMINISTRATIVE
16 RULES.

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

21 SECTION 1. Arkansas Code § 25-15-204(a)(2), concerning comments to
22 proposed administrative rules, is amended to read as follows:

23 (2)(A) Afford all interested persons reasonable opportunity to
24 submit written data, views, or arguments, ~~orally or~~ in writing and at a
25 public hearing.

26 ~~(B) Opportunity for oral hearing must be granted if~~
27 ~~requested by twenty five (25) persons, by a governmental subdivision or~~
28 ~~agency, or by an association having no fewer than twenty five (25) members.~~

29 ~~(C)~~(B) The agency shall fully consider all written and
30 oral submissions respecting the proposed rule before finalizing the language
31 of the proposed rule and filing the proposed rule as required by subsection
32 (d) of this section.

33 ~~(D)~~(C) Upon adoption of a rule, the agency, if requested
34 to do so by an interested person either prior to adoption or within thirty
35 (30) days thereafter, shall issue a concise statement of the principal
36 reasons for and against its adoption, incorporating therein its reasons for



1 overruling the considerations urged against its adoption.

2 ~~(E)(D)~~ When rules are required by law to be made on the
3 record after opportunity for an agency hearing, the provisions of that law
4 shall apply in place of this subdivision (a)(2); and

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6 SECTION 2. Arkansas Code § 25-15-204(e)(1)(A), concerning the
7 effective date of administrative rules, is amended to read as follows:

8 (e)(1)(A) Each rule adopted by an agency is effective ~~thirty (30)~~
9 sixty (60) days after filing of the final rule unless a later date is
10 specified by law or in the rule itself.

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12 SECTION 3. Arkansas Code § 25-15-204(e)(2)(A)(i), concerning the
13 effective date of emergency rules, is amended to read as follows:

14 (2)(A)(i) However, an emergency rule may become effective
15 immediately upon filing or at a stated time less than ~~thirty (30)~~ sixty (60)
16 days after filing if the agency finds that this effective date is necessary
17 because of imminent peril to the public health, safety, or welfare.

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