

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 863

By: Senator B. Sample

For An Act To Be Entitled

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

Subtitle

TO AMEND THE ARKANSAS ADMINISTRATIVE
PROCEDURE ACT CONCERNING ADMINISTRATIVE
RULES.

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

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

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

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

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

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



overruling the considerations urged against its adoption.

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

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

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

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

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