

Rulemaking Process

[Secretary of State website](#)

[Agency Rules & Regulations Filings](#)

The Arkansas Secretary of State's Agency Rules & Regulations Filings service allows state agencies to submit proposed rules and regulations for review and approval by the Arkansas Administrative Procedure Act (APA) Division. This service is designed to ensure that state agencies comply with the state's rule making process, which includes a public notice and comment period before a rule can be adopted. The Agency Rules & Regulations Filings service provides an electronic filing system that allows agencies to submit proposed rules and regulations, along with any required supporting documents, online. The APA Division then reviews and approves the proposed rule, ensuring that it complies with state law and that the public has had an opportunity to provide feedback. The Agency Rules & Regulations Filings service is an important tool for ensuring that state agencies operate transparently and in compliance with state laws and regulations.

[Rules of the Administrative Rules Subcommittee of the Legislative Council](#)

Rulemaking Process (APA)

Prior to the adoption, amendment, or repeal of a rule, the agency shall:

Give at least thirty (30) days' notice of its intended action. The notice shall include:

The time, location, and manner in which an interested person may present his or her position on the intended action of the agency or on the issues related to the intended action of the agency.

The notice shall be mailed to:

A person specified by law; and

A person who has requested advance notice of rule-making proceedings.

The notice shall be published:

In a newspaper of general daily circulation for three (3) consecutive days and,

when appropriate, in trade, industry, or professional publications that the agency may select; and

By the Secretary of State on the internet for thirty (30) days.

Agencies shall

afford all interested persons reasonable opportunity to submit written data, views, or arguments, orally or in writing.

grant an opportunity for an oral hearing if requested by twenty-five (25) persons, by a governmental subdivision or agency, or by an association having at least twenty-five (25) members.

fully consider all written and oral submissions respecting the proposed rule before finalizing the language of the proposed rule and filing the proposed rule.

Consider the financial impact of the proposed rule.

A person may petition an agency for the issuance, amendment, or repeal of a rule. Within thirty (30) days after submission of a petition, the agency shall deny the petition or initiate rule-making proceedings.

If an interested person requests a statement of the reasons for and against the adoption of a rule before adoption or within thirty (30) days after adoption, the agency shall issue a concise statement of the principal reasons for and against its adoption, incorporating its reasons for overruling the considerations urged against its adoption.

Each rule adopted by an agency is effective ten (10) days after filing of the final rule with the Secretary of State unless a later date is specified by law or in the rule itself. A final rule shall not be filed until the thirty-day public comment period.

Emergency Rulemaking

If an agency finds that imminent peril to the public health, safety, or welfare or compliance with a federal law or regulation requires adoption of a rule upon less than thirty (30) days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it may choose, to adopt an emergency rule. The rule may be effective for no longer than one hundred twenty (120) days.

Arkansas Register

Arkansas Administrative Procedure Act