

West's Arkansas Code Annotated

Title 25. State Government

Chapter 15. Administrative Procedures

Subchapter 2. Administrative Procedure Act (Refs & Annos)

A.C.A. § 25-15-219

§ 25-15-219. Publication on the Internet--Meeting dates

Effective: July 31, 2009

Currentness

(a)(1) Each agency shall publish on the Internet the date, time, and location of all of the agency's meetings and hearings that are open to the public.

(2) The publication shall be made at www.arkansas.gov.

(b) The agency shall publish the notice not less than three (3) days before the meeting or hearing is scheduled.

(c) This section does not apply to emergency or special meetings that meet the requirements of § 25-19-106(b)(2).

Credits

Acts of 2009, Act 1302, § 1, eff. July 31, 2009.

A.C.A. § 25-15-219, AR ST § 25-15-219

The constitution and statutes are current through laws passed by the 2021 Regular Session of the 93rd Arkansas General Assembly effective through July 28, 2021, except for Acts 586, 649, and 776. Some statute sections may be more current; see credits for details. Also included are Acts 1 and 2 passed by the 2021 First Extraordinary Session of the 93rd General Assembly, effective August 6, 2021, and changes made by the Arkansas Code Revision Commission received through August 1, 2021.

End of Document

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Subchapter 2 - Administrative Procedure Act

§ 25-15-202. Definitions

Universal Citation: AR Code § 25-15-202 (2017)

- As used in this subchapter:
 - (1)
 - (A) "Adjudication" means an agency process for the formulation of an order.
 - (B) "Adjudication" does not include inmate disciplinary proceedings conducted by the Department of Correction and the Department of Community Correction;
 - (2)
 - (A) "Agency" means a board, commission, department, officer, or other authority of the government of the State of Arkansas, whether within, or subject to review by, another agency, except the General Assembly, the courts, and Governor.
 - (B) The word "agency" shall include the Division of Child Care and Early Childhood Education of the Department of Human Services and the Child Care Appeal Review Panel for purposes of administrative appeal.
 - (C) The word "agency" shall not include the Arkansas Public Service Commission, the Arkansas Pollution Control and Ecology Commission, the Workers' Compensation Commission, and the Department of Workforce Services, as the existing laws governing those agencies provide adequate administrative procedures for those agencies.
 - (D) This subchapter does not repeal delegations of authority as provided by law;
 - (3) "Financial impact statement" means a realistic statement of a new or increased cost or obligation of complying with a proposed rule to a:
 - (A) Private individual, entity, and business; and
 - (B) State, county, and municipal government;
 - (4) "License" includes an agency permit, certificate, approval, registration, charter, or similar form of permission required by law;

- (5) "Licensing" means an agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, limitation, or amendment of a license;
- (6) "Order" means the final disposition of an agency in any matter other than rule making, including licensing and rate making, in which the agency is required by law to make its determination after notice and hearing;
- (7) "Party" means a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding;
- (8) "Person" means an individual, partnership, corporation, association, or public or private organization of any character;
- (9)
 - (A) "Rule" means an agency statement of general applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice of an agency and includes, but is not limited to, the amendment or repeal of a prior rule.
 - (B) "Rule" does not mean:
 - (i) A statement that concerns the internal management of a state agency and that does not affect the private rights or procedures available to the public;
 - (ii) A declaratory order or ruling issued under § 25-15-206 or other provision of law applicable to the state agency issuing the declaratory order or ruling;
 - (iii) Intra-agency memoranda; or
 - (iv) A medical code within the Arkansas Medicaid Program that is issued by the Centers for Medicare and Medicaid Services, including without limitation:
 - (a) Current Procedural Terminology codes;
 - (b) Healthcare Common Procedure Coding System codes;
 - (c) International Classification of Diseases codes;
 - (d) National Uniform Billing Committee Official UB-04 Specifications Manual codes; and
 - (e) National Correct Coding Initiative codes; and
- (10) "Rule making" means an agency process for the formulation, amendment, or repeal of a rule.

Chairman Banks:

I am writing to follow up on our discussion from last week regarding A.C.A. 25-15-219 (“the APA”), which imposes the following requirement:

- (a)(1) Each agency shall publish on the Internet the date, time, and location of all of the agency's meetings and hearings that are open to the public.
- (2) **The publication shall be made at www.arkansas.gov.**
- (b) The agency shall publish the notice not less than three (3) days before the meeting or hearing is scheduled.
- (c) This section does not apply to emergency or special meetings that meet the requirements of § 25-19-106(b)(2).

As used in this section, “agency” means “a board, commission, department, officer, or other authority of the government of the State of Arkansas, whether within, or subject to review by, another agency, except the General Assembly, the courts, and the Governor.” *See* A.C.A. 25-15-202 (emphasis added), attached.

ICC is not one of the four (4) agencies expressly exempted from the definition of “agency”, and Article 19 does not exempt the ICC from the APA, except with respect to the rulemaking provision. The Commission is subject to FOIA and uses public resources (i.e., Auditor staff and legal counsel from this office) to conduct its business.

Since the ICC is a commission or other authority of the government of the State of Arkansas, it is subject to A.C.A. 25-15-219 and is required to publish notice of its regular meetings on www.arkansas.gov. In fact, ICC is listed as a state agency on www.arkansas.gov, as you can see from the following link: [Independent Citizens Commission | Arkansas.gov](http://www.arkansas.gov/independent-citizens-commission).

Please let me know if you have any questions. Thanks.

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