

Compliance with Act 143 of 2007 (formerly Executive Order 05-04)

Act 143 of 2007 requires that “[b]efore submitting proposed rules for adoption, amendment, or repeal, the agency shall first determine whether the proposed rules affect small businesses.” The agency shall consider “whether a means exists to make the rules less costly for small businesses without compromising the objective of the rules.” If the agency determines that the proposed rule will affect small businesses, the agency must prepare an economic impact statement in accordance with Act 143 of 2007.

The Act is not applicable to rules that are federally mandated, or that substantially codify existing state or federal laws. ADEQ determines that Act 143 of 2007 is not applicable to this proposed rule because the amendments to Regulation No. 32 included in this proposed rulemaking substantially codify existing state law. (Ark. Code of 1987, Ann., § 25-15-302(a)(1)(C)). This proposal amends Regulation No. 32 specifically in order to conform with the requirements of Act 864 of the 2007 General Assembly.