

**REPORT OF THE  
ADMINISTRATIVE RULES AND REGULATIONS SUBCOMMITTEE  
OF THE  
ARKANSAS LEGISLATIVE COUNCIL**

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**December 20, 2013**

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**Co-Chairs:**

The Subcommittee on Administrative Rules and Regulations met at 9:00 a.m. on Wednesday, December 11, 2013, in Room 171 of the State Capitol. The following committee members attended: Senator Johnny Key, Chair; Representative Kelley Linck, Chair; Senators Jonathan Dismang and Bill Sample; Representatives Lane Jean, Joe Jett, Andrea Lea, Kim Hammer, Terry Rice, and Butch Wilkins. Other legislators attended as follows: Representatives Walls McCrary, Eddie Armstrong, Douglas House, Mark Biviano, Mary Broadaway, John Burris, Jody Dickinson, David Hillman, John K. Hutchison, Homer Lenderman, Stephanie Malone, Frederick Smith, Tommy Wren, and Marshall Wright.

1. **The Subcommittee received the report of the Senate Interim Committee on Transportation, Technology and Legislative Affairs and the House Interim Committee on Public Transportation concerning the rules referred to the committees at the Administrative Rules and Regulations Subcommittee meeting on November 6, 2013 (attached). The Administrative Rules and Regulations Subcommittee reviewed the following rules:**

**ARKANSAS STATE POLICE (Captain Lindsey Williams, Lt. Cora Gentry)**

- a. **Non-Commercial Driver's License Testing Rules**

2. **The Subcommittee received the report of the Senate and House Interim Committees on Revenue and Taxation concerning the rules referred to the committees at the Administrative Rules and Regulations Subcommittee's November 6, 2013 meeting (attached). The Administrative Rules and Regulations Subcommittee reviewed the following rules:**

**ARKANSAS DEVELOPMENT FINANCE AUTHORITY (Sara Oliver)**

- a. **Compliance Monitoring Policies and Procedures Manual for the Low Income Housing Tax Credit Program**
- b. **Housing Credit Program Qualified Allocation Plan**

3. The subcommittee reviewed the following rules filed pursuant to Ark. Code Ann. § 10-3-309.

**DEPARTMENT OF CAREER EDUCATION, ARKANSAS REHABILITATION SERVICES (Carl Daughtery)**

- a. **Arkansas Rehabilitation Services Policy and Procedure Manual**

**DEPARTMENT OF CAREER EDUCATION, ADULT EDUCATION (Jim Smith, Janice Hanlon)**

- a. **Arkansas GED Testing Policies**

**DEPARTMENT OF COMMUNITY CORRECTION (Dina Tyler)**

- a. **Public Release of Offender Information**

**DEPARTMENT OF EDUCATION (Jeremy Lasiter)**

- a. **School District Educational Excellence Trust Funds**

**DEPARTMENT OF HEALTH, STI/HIV/HEPATITIS C/TB SECTION (Robert Brech)**

- a. **Control of Communicable Diseases – Tuberculosis**  
b. **Communicable Disease Section XXI Venereal Disease**

**DEPARTMENT OF HEALTH, ENVIRONMENTAL HEALTH/ENGINEERING SECTION (Robert Brech)**

- a. **Public Water Systems**

**DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY SERVICES (Christin Harper)**

- a. **Revisions to Interdivisional Staffings and Child Case Review Committee (CCRC) Policy**  
b. **Prospective Provisional Placement Referral Procedures**  
c. **Child Maltreatment True Investigative Determination Notice Forms to Alleged Juvenile Offender (If currently Age 18 or Older)**

**DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS  
(Joni Jones, Linda Greer)**

- a. Medical Services Policy Manual Sections B 100-270, D 300-320, D 400, E 100-270, F 160-164, and F 180; Form DCO-151 Application for Health Coverage (Single Adults); Form DCO-152 Application for Health Coverage (Family)**
- b. Medical Services Policy Sections B 330 and E-100; Form DCO-950; Workers with Disabilities Application for Medicaid**
- c. Medical Services Policy Sections C-112 and D-370**

**DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Andy Allison)**

- a. Arkansas Private Option (Health Care Independence Act of 2013)**
- b. Eligibility**

**ARKANSAS INSURANCE DEPARTMENT (Amanda Rose, Mel Anderson)**

- a. Standards and Authority for Companies in Hazardous Financial Condition**

**DEPARTMENT OF LABOR, AMUSEMENT RIDE SAFETY DIVISION  
Daniel Faulkner, Kevin Looney)**

- a. Arkansas Amusement Ride and Amusement Attraction Safety Insurance Act**

**STATE BOARD OF NURSING (Sue Tedford)**

- a. Chapter 2 – Licensure: RN, LPN, and LPTN**

**OIL AND GAS COMMISSION (Lawrence Bengal)**

- a. Rule A-5: Enforcement Procedures**
- b. Rule B-1: Application to Drill a Production Well**
- c. Rule D-17: General Rule for the Regulation of Natural Gas Pipelines**

**DEPARTMENT OF PARKS AND TOURISM, PARKS DIVISION (Greg Butts)**

- a. Use of Motorized Scooters**
- b. Camping Discounts**
- c. Display of Tourism Brochures**

**DEPARTMENT OF PARKS AND TOURISM, TOURISM DIVISION  
(Kristine Puckett)**

- a. Regional Tourist Associations Grant Program Rules and Regulations**

**ARKANSAS STATE POLICE (Captain Ron Stayton, Lt. Cora Gentry)**

- a. Investigation Deadline Extension Rule**

**COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES  
AND TRANSPORTATION (Lori Freno-Engman)**

- a. Academic Facilities Partnership Program**

**PUBLIC SERVICE COMMISSION (John Bethel, Valerie Boyce)**

- a. Rules of Practice and Procedure Docket No. 08-135-R**

**WHITE RIVER REGIONAL SOLID WASTE MANAGEMENT DISTRICT  
(Van Thomas)**

- a. White River RSWMD Policies and Procedures**

- 4. At the agency's request, the following rules were not presented at this meeting:**

**DEPARTMENT OF ENVIRONMENTAL QUALITY, AIR DIVISION**

- a. Regulation No. 18; Arkansas Air Pollution Control Code**
- b. Regulation No. 19; Arkansas Plan of Implementation for Air Pollution Control**
- c. Regulation No. 26; Arkansas Operating Air Permit Program**

**Respectfully submitted,**

**Senator Johnny Key, Co-Chair**

**Representative Kelley Linck, Co-Chair**

REPORT OF THE  
SENATE INTERIM COMMITTEE ON TRANSPORTATION, TECHNOLOGY AND  
LEGISLATIVE AFFAIRS  
AND THE  
HOUSE INTERIM COMMITTEE ON PUBLIC TRANSPORTATION  
TO THE  
ADMINISTRATIVE RULES AND REGULATIONS SUBCOMMITTEE  
OF THE ARKANSAS LEGISLATIVE COUNCIL

December 11, 2013

The Senate Interim Committee on Transportation, Technology and Legislative Affairs and the House Interim Committee on Public Transportation met November 21, 2013, to consider the proposed "Non-Commercial Driver's License Testing Rule" by the Arkansas State Police. This rule was referred by your Committee on November 6, 2013.

Following review of the rule, testimony from representatives of the Arkansas State Police, and discussion by the Committees, the Transportation Committees have completed their review.

Respectfully submitted,

Senator Bill Sample, Chair  
Senate Committee on Transportation,  
Technology and Legislative Affairs

Representative Jonathan Barnett, Chair  
House Committee on Public  
Transportation

Department of Arkansas State Police  
Highway Patrol Division

**Non- Commercial Driver's License Testing Rule**

**PURPOSE** – The purpose of this rule is to allow further study time for an unsuccessful candidate on the knowledge portion of the non-commercial driver's license test; which is intended to increase their pass rate and decrease the expenditure of resources by the Arkansas State Police for applicants that may re-test every business day.

**EXPLANATION** – For a new licensee to obtain a non-commercial driver's license in Arkansas a person must take a knowledge test and a skills test. The successful pass rate of the non-commercial driver's license knowledge examination is approximately 50%. Some individuals take the test numerous times and frequently do so on successive business days in an attempt to obtain a passing score of 80%.

The first, second and third tests cost the applicant \$5.00 each under Arkansas Code §27-16-801 (a)(1)(C)(i). The costs, in expenditure of manpower and resources for the fourth and any later tests, are borne by the Arkansas State Police. It is not unusual to see an applicant re-test as many as eight times prior to passing.

**PROPOSED RULE**

Rule 1. In the event that a person does not successfully complete the knowledge portion of the test for an Arkansas Learner's Permit, Learner's License or Intermediate Driver's License, there shall be a five (5) calendar day waiting period before they will be allowed to re-test.

REPORT OF THE  
SENATE INTERIM COMMITTEE ON REVENUE AND TAXATION  
AND THE  
HOUSE INTERIM COMMITTEE ON REVENUE AND TAXATION  
TO THE  
ADMINISTRATIVE RULES AND REGULATIONS SUBCOMMITTEE  
OF THE ARKANSAS LEGISLATIVE COUNCIL

December 10, 2013

The Senate Interim Committee on Revenue and Taxation and the House Interim Committee on Revenue and Taxation met December 10, 2013, to consider the following rules proposed by the Arkansas Development Finance Authority:

1. Compliance Monitoring Policies and Procedures Manual for the Low Income Housing Tax Credit Program
2. Housing Credit Program Qualified Allocation Plan.

These rules were referred by your Committee on November 6, 2013.

Following review of the rules, testimony from representatives of the Arkansas Development Finance Authority, and discussion by the Committees, the Revenue and Taxation Committees have completed their review.

Respectfully submitted,

Senator Jake Files, Chair

Representative Charlie Collins, Chair