

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

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**June 20, 2014**

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**Co-Chairs:**

The Subcommittee on Administrative Rules and Regulations met at 9:00 a.m. on Wednesday, June 11, 2014, in Room 171 of the State Capitol. The following committee members attended: Senator Johnny Key, Co-Chair; Representative Kelley Linck, Co-Chair; Senators Ronald Caldwell, Jonathan Dismang, Uvalde Lindsey, Bill Sample, Larry Teague, Bobby J. Pierce, and David Johnson; Representatives Greg Leding, Terry Rice, Jeff Wardlaw, Kim Hammer, Ann Clemmer, and James L. Word. Other legislators attended as follows: Senators Jimmy Hickey, Eddie Joe Williams, Linda Chesterfield, and Joyce Elliott; Representatives Jody Dickinson, David Hillman, Scott Baltz, Nate Bell, David L. Branscum, Mary Broadaway, Mark McElroy, Micah S. Neal, Betty Overbey, Sue Scott, Tommy Thompson, Marshall Wright, Jim Nickels, Walls McCrary, and Charles L. Armstrong.

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

**ASSESSMENT COORDINATION DEPARTMENT (Debbie Asbury, John Nichols)**

- a. Purpose, Authority and Objective of Ratio Study Rules;  
Rule 4.04.1a-g
- b. Design of Property Record Cards; Rule 3.26
- c. Maximum Funding for Appraisals of New Construction; Rule 3.49
- d. Uniform Reporting of Delinquent Taxes; Rule 5.02
- e. Uniform Reporting of County Tax Settlements; Rule 5.03
- f. Responsibilities of those Providing Information; Rule 5.04
- g. Appendix to ACD Rules; Forms

**DEPARTMENT OF CORRECTION (Bobby G. Smith)**

- a. AR 088; Boot Camp Program**

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

- a. Arkansas Housing Trust Fund Program Regulations**

**ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, STRATEGIC PLANNING (Kurt Naumann)**

- a. Replacement and Repair of Manufacturing Machinery and Equipment Sales and Use Tax Refund**

**ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, ARKANSAS ENERGY OFFICE (Doris Wright, item a; J. D. Lowery, item b)**

- a. Weatherization Assistance Rules**
- b. Arkansas Energy Performance Contracting Program Policies and Procedures**

**DEPARTMENT OF EDUCATION (Kendra Clay, item a; Lori Freno, item b)**

- a. Parental Involvement Plans**
- b. School District Requirements for Personnel Policies, Salaries, Documents to be Posted to District Website**

**DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION/INFECTIOUS DISEASE BRANCH/COMMUNICABLE DISEASE/IMMUNIZATION SECTION (Robert Brech)**

- a. Reportable Disease**
- b. Immunization Requirements**

**DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Tami Harlan)**

- a. SPA #2013-010 and Ambulatory Surgical Center Update #1-14**
- b. Notice of Rulemaking 001-14; Implementation of Additional Nurse Practitioner CPT Codes**
- c. RSPMI Update No. 3-14**

- d. **Registered Sex Offenders and the Arkansas Medicaid Program;  
Section 1 1-14 and Section V 3-14**
- e. **Section I 6-13 and Section V 10-13**

**DEPARTMENT OF HUMAN SERVICES, OFFICE OF POLICY AND  
LEGAL SERVICES (Damien Hicks)**

- a. **Social Services Block Grant Pre-Expenditure Report for State Fiscal  
Year July 1, 2014 – June 30, 2015**

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

- a. **Hang Gliding and Paragliding Rules and Regulations**
- b. **Rappelling and Rock Climbing Rules and Regulations**

**STATE BOARD OF PUBLIC ACCOUNTANCY (James Corley)**

- a. **Rule Changes 2014**

**SECRETARY OF STATE, BUSINESS AND COMMERCIAL SERVICES  
(Martha Adcock)**

- a. **UCC Filing Office Rules**

- 2. **The Subcommittee received the Report of the Senate and House Interim  
Committees on Public Health, Welfare and Labor concerning the following rule that  
was referred to the committees by the Subcommittee on Administrative Rules and  
Regulations on May 7, 2014 (attached). The Subcommittee reviewed the following  
rule:**

**DEPARTMENT OF LABOR, LABOR STANDARDS DIVISION (Denise Oxley)**

- a. **Rule 010.14-500; Prohibiting Employer from Requiring Access to  
Employee Social Media Account**
- 3. **The Subcommittee adopted the attached policy concerning rulemaking under Act  
1498 of 2013. The Subcommittee also received the Insurance Department's  
Proposed Rule 108: Patient-Centers Medical Home Standards.**

4. The Subcommittee reviewed the following rule which had been re-referred by the full Legislative Council at its meeting on May 16, 2014 to the Subcommittee on Administrative Rules and Regulations:

**DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF  
PERSONNEL MANAGEMENT (Kay Terry, Jennifer Elkins)**

- a. State Employee Dispute Resolution Appeal Rules and Procedures

5. Upon the agency's request, the following rule was pulled down by the agency, and the department requested that the rule be withdrawn:

**ASSESSMENT COORDINATION DEPARTMENT (Debbie Asbury, John Nichols)**

- a. Special Needs; Rule 3.46

**Respectfully submitted,**

**Senator Johnny Key, Co-Chair**

**Representative Kelley Linck, Co-Chair**

**REPORT OF THE**  
**SENATE AND HOUSE COMMITTEES ON PUBLIC HEALTH, WELFARE & LABOR**  
**TO THE**  
**ADMINISTRATIVE RULES & REGULATIONS SUBCOMMITTEE**  
**OF THE ARKANSAS LEGISLATIVE COUNCIL**

**June 11, 2014**

Senator Johnny Key, Chair  
Representative Kelly Linck, Chair  
Administrative Rules & Regulations Subcommittee, Arkansas Legislative Council


Mr. Chairmen:

The Administrative Rules & Regulations Subcommittee of the Legislative Council referred a rule from the Arkansas Department of Labor, Labor Standards Division, which prohibits employers from requiring access to employee social media accounts.

At a meeting on May 28, 2014, the Senate and House Interim Committees on Public Health, Welfare and Labor reviewed the proposed rule by the Arkansas Department of Labor, Labor Standards Division.

Respectfully Submitted,

  
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Senator Cecile Bledsoe, Senate Chair

  
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Representative Reginald Murdock, House Vice Chair

**Policy Concerning Rulemaking Under  
Act 1498 of 2013**

**As Adopted by the Administrative Rules and Regulations Subcommittee  
of the Arkansas Legislative Council  
June 11, 2014**

Act 1498 of 2013 created the Health Care Independence Act of 2013. Pursuant to the act, the State Insurance Department and Department of Human Services shall administer and promulgate rules to administer the program authorized under the act. Arkansas Code Annotated § 20-77-2405(g)(2) specifically states that “[n]o less than thirty (30) days before the State Insurance Department and Department of Human Services begin promulgating a rule under this subchapter, the proposed rule shall be presented to the Legislative Council.”

In accordance with Arkansas Code Annotated § 20-77-2405(g)(2), it shall be the policy of the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council to interpret the above language to mean that rules filed under Act 1498 are to be filed with the Bureau of Legislative Research (Administrative Rules Review Section) 30 days prior to the respective agency beginning with the publication, notice, and filing requirements under the Administrative Procedure Act (APA).

Upon filing its proposed rules under Act 1498, the rules will be placed on the next available agenda of the subcommittee as a report item. No action will be taken concerning the rules at that time.

After the thirty day period runs from the date that the rules are first filed with the Administrative Rules Review Section, the agency would be permitted to proceed as it normally would under the APA, i.e., publish notice, hold its public comment period, file its rules with the relevant entities, etc. The proposed rule would again be placed on the subcommittee’s agenda. At this meeting, the subcommittee will take action to review the rule or not.