

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

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**May 18, 2016**

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**Co-Chairs:**

**The Administrative Rules and Regulations Subcommittee met on Tuesday, May 17, 2016 at 9:00 a.m. in Room A, MAC.**

- 1. The Subcommittee adopted the Reports of the Executive Committee Concerning Emergency Rules (attached).**
- 2. The Subcommittee reviewed and filed the quarterly reports issued pursuant to Sections 14 and 15 of Act 1258 concerning Administrative Directives and Administrative Memoranda (effective January 1 through March 31, 2016) submitted by the Department of Correction.**
- 3. The Subcommittee reviewed and approved the following rules that were deferred from February 16, 2016:**

**DEPARTMENT OF HUMAN SERVICES, CHILD CARE AND EARLY  
CHILDHOOD EDUCATION (Kathy MacKay and Ann Dalton)**

- a. Minimum Licensing Standards for Child Welfare Agency – Residential and Placement**
- 4. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, SMALL  
AND MINORITY BUSINESS DIVISION (Kurt Naumann and Anthony  
Armstrong)**

- a. Minority Business Loan Mobilization Program**

**DEPARTMENT OF EDUCATION (Cory Biggs, items a, b, c, g, and h; Kendra  
Clay, item d; and Jennifer Davis, items e and f)**

- a. Repeal of ADE Rules Governing the Digital Learning Act of 2013**
- b. Repeal of ADE Rules Governing Distance Learning**

- c. **Distance and Digital Learning**
- d. **Section 9.13.1 of ACTAAP and Academic Distress**
- e. **2016 Open Enrollment Public Charter School New Application**
- f. **2016 District Conversion Public Charter School New Application**
- g. **Distribution of Student Special Needs Funding**
- h. **Nutrition and Physical Activity Standards**

**DEPARTMENT OF HIGHER EDUCATION (Dr. Brett Powell and Ann Clemmer)**

- a. **Student Placement into General Education Core Courses**

**DEPARTMENT OF HUMAN SERVICES, OFFICE OF POLICY AND  
LEGAL SERVICES (Alisa Carter)**

- a. **Repeal of Various Policies**

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

- a. **General Rule A-2 – General Hearing Procedures**
- b. **General Rule A-3 – Additional Requirements for Specific Types of Hearings**
- c. **General Rule A-8 – Reporting Requirements for Mineral Proceeds Escrow A  
Accounts**

- 5. **The Subcommittee deferred the following rule to the June 14, 2016 meeting of the  
Subcommittee:**

**NATURAL RESOURCES COMMISSION (Ryan Benefield and Crystal Phelps)**

- a. **Conservation Districts**

6. The Subcommittee re-deferred the following rules to the June 14, 2016 meeting of the Subcommittee:

**STATE BOARD OF EXAMINERS IN COUNSELING (Michael Loos)**

- a. Amendments to Rules

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

- a. Arkansas Public School Academic Facility Manual, Appendix A to the Rules Governing the Academic Facilities Partnership Program

**Submitted by:**

**Senator David Sanders, Chair**

**Representative Andy Davis, Chair**

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Officers

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Senate Co-Chair

**Representative David L. Branscum**  
House Co-Chair

**Senator Terry Rice**  
Senate Co-Vice Chair

**Representative Mark Lowery**  
House Co-Vice Chair



**Room 315, State Capitol Building**  
**Little Rock, AR 72201**

**Marty Garrity**  
Executive Secretary

Tel: 501-682-1937  
Fax: 501-682-1936

March 31, 2016

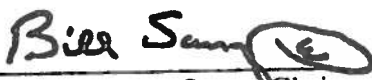
Senator David Sanders, Senate Co-Chair  
ALC - Administrative Rules and Regulations  
Via Electronic Mail


Representative Andy Davis, House Co-Chair  
ALC - Administrative Rules and Regulations  
Via Electronic Mail

Dear Senator Sanders & Representative Davis:

Pursuant to Act 1258 of 2015, the Executive Subcommittee met on March 31, 2016 to consider the Request by the Arkansas State Plant Board to immediately implement an Emergency Rule regarding the Sale and Use of Pesticides Containing Dicamba.

The proposed emergency rule was reviewed and approved and shall be effective at 12:01 a.m. April 2, 2016.

  
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Senator Bill Sample, Senate Chair  
Executive Subcommittee

  
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Rep. David Branscum, House Chair  
Executive Subcommittee

Cc: Jessica Sutton, Administrator, Administrative Rules Review Section

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Dear Senator Sanders & Representative Davis:

Pursuant to Act 1258 of 2015, the Executive Subcommittee met on March 17, 2016 to consider the Request by the Arkansas Department of Education to immediately implement an Emergency Rule regarding Governing the Public School Rating System on Annual School Report Cards.

The proposed emergency rule was approved and became effective upon adjournment of the Legislative Council meeting on March 18, 2016.

A handwritten signature in black ink that reads "Bill Sample".

Senator Bill Sample, Senate Chair  
Executive Subcommittee

A handwritten signature in black ink that reads "David Branscum".

Rep. David Branscum, House Chair  
Executive Subcommittee

Cc: Jessica Sutton, Administrator, Administrative Rules Review Section

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Dear Senator Sanders & Representative Davis:

Pursuant to Act 1258 of 2015, the Executive Subcommittee met on March 17, 2016 to consider the Request by the Arkansas Department of Education to immediately implement an Emergency Rule regarding Section 9.13.1 of the Rules Governing the Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP) and the Academic Distress Program.

The proposed emergency rule was approved and became effective upon adjournment of the Legislative Council meeting on March 18, 2016.

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Executive Subcommittee

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Rep. David Branscum, House Chair  
Executive Subcommittee

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Dear Senator Sanders & Representative Davis:

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Dear Senator Sanders & Representative Davis:

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