

**91ST GENERAL ASSEMBLY
ACT 781 OF 2017 - STATE AGENCY RULES REVIEW
COMMITTEE MINUTES
SENATE and HOUSE JUDICIARY COMMITTEES**

CHAIRS: REP. TOSH / SEN. HUTCHINSON COMMITTEE STAFF: ADRIENNE WILLIAMS / JUDY STEELMAN

DATE: AUGUST 27, 2018 TIME: 9:00 AM ROOM 130

EXHIBIT #	RULE #	MOTION	MADE BY	SECONDED BY	RESULTS
B		Adopt Joint Meeting Rules	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
C-01	All	Refer Rules to Group Consideration	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
C-03	All	Refer Rules to Group Consideration	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
C-05	All	Refer Rules to Group Consideration	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
C-07	All	Refer Rules to Group Consideration	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
C-09	All	Refer Rules to Group Consideration	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
C-11	All	Accept Recommendation to Repeal	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
C-12	All	Refer Rules to Group Consideration	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
C-14	All	Refer Rules to Group Consideration	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
C-16	All	Except for the Rules Pulled Out (#1275), Refer Rules to Group Consideration	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
C-18	972	Rule Remain in Place and Not be Repealed as Repeal Conflicts with Intent of the Law	Rep. Bond	Sen. Hutchinson	Carried - Voice Vote

EXHIBIT D

**91ST GENERAL ASSEMBLY
 ACT 781 OF 2017 - STATE AGENCY RULES REVIEW
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 SENATE and HOUSE JUDICIARY COMMITTEES**

C-19	All	Refer Rules to Group Consideration	Rep. Bond	Sen. Hutchinson	Carried - Voice Vote
C-21	All	Except for the Rules Pulled Out (#1406, #1648), Accept Agency's Recommendation to Repeal Rules	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
C-21	1510	Rule Remain in Place and Not be Repealed as Repeal Conflicts with Intent of the Law	Rep. Gray	Rep. Whitaker	Carried - Voice Vote
C-21	1627	Rule Remain in Place and Not be Repealed as Repeal Conflicts with Intent of the Law	Sen. Bond	Rep. Tosh	Carried - Voice Vote
C-22	All	Refer Rules to Group Consideration	Rep. Tosh	Sen. Hutchinson	Carried - Voice Vote
		Deferred until the 8-28-18 Meeting: C-24, C-26, C-28, C-30, C-32, C-34, C-36			

ATTENDANCE
91st General Assembly
Act 781 of 2017 - State Agency Rules Review
Judiciary Committees – Senate and House

Date: 8-27-18

MEMBERS	PRESENT	ABSENT
Sen. Will Bond	X	
Sen. Breanne Davis		X
Sen. Trent Garner	X	
Sen. Jeremy Hutchinson	X	
Sen. Bryan King		X
Sen. Terry Rice		X
Sen. Linda Collins-Smith		X
Sen. Gary Stubblefield	X	
Rep. Bob Ballinger	X	
Rep. Charles Blake	X	
Rep. Sarah Capp	X	
Rep. Carol Dalby	X	
Rep. R. Trevor Drown	X	
Rep. Lanny Fite	X	
Rep. Charlene Fite	X	
Rep. Jimmy Gazaway		X
Rep. Michelle Gray	X	
Rep. Douglas House	X	
Rep. John Maddox		X
Rep. Milton Nicks, Jr.	X	
Rep. Rebecca Petty	X	
Rep. Laurie Rushing	X	
Rep. Matthew J. Shepherd	X	
Rep. Brandt Smith	X	
Rep. Dwight Tosh	X	
Rep. Clarke Tucker	X	
Rep. David Whitaker	X	
TOTALS	21	6

Committee Report for Act 781 of 2017 Meetings

for JUDICIARY COMMITTEE - HOUSE & SENATE

Monday, August 27, 2018 at 9:00 AM

The JUDICIARY COMMITTEE - HOUSE & SENATE committees met on Monday, August 27, 2018 at 9:00 AM in Room 130, and the following actions were taken:

Agency / Rule Title	House Action	Senate Action
Alternative Dispute Resolution Commission		
Rules to Enforce		
ID#: 1314 Continuing Mediation Education Requirements for Certified Mediators	Refer for Group Consideration	Refer for Group Consideration
ID#: 1312 Minimum Standards for Basic Mediation Training	Refer for Group Consideration	Refer for Group Consideration
ID#: 1340 Procedures for the Discipline of Mediators	Refer for Group Consideration	Refer for Group Consideration
ID#: 716 Requirements for the Certification of Mediators for Circuit Courts	Refer for Group Consideration	Refer for Group Consideration
ID#: 1309 Requirements for the Certification of Mediators for the State Employee Grievance Program	Refer for Group Consideration	Refer for Group Consideration
ID#: 717 Requirements for the Conduct of Mediations and Mediators	Refer for Group Consideration	Refer for Group Consideration
ID#: 1310 Requirements for the Conduct of Mediations and Mediators for the State Employee Grievance Program	Refer for Group Consideration	Refer for Group Consideration
ID#: 2234 Rules for the Regulation of Commission Proceedings	Refer for Group Consideration	Refer for Group Consideration
Arkansas Commission on Law Enforcement Standards and Training		
Rules to Enforce		
ID#: 101 1000 Objectives	Refer for Group Consideration	Refer for Group Consideration
ID#: 102 1001 Definitions	Refer for Group Consideration	Refer for Group Consideration
ID#: 103 1002 Minimum Standards for Employment or Appointment	Refer for Group Consideration	Refer for Group Consideration
ID#: 104 1003 Probationary Period	Refer for Group Consideration	Refer for Group Consideration
ID#: 105 1004 College Education Credits	Refer for Group Consideration	Refer for Group Consideration
ID#: 106 1005 Minimum Standards for Training	Refer for Group Consideration	Refer for Group Consideration
ID#: 107 1006 Extension of Time Limit for Course Completion	Refer for Group Consideration	Refer for Group Consideration
ID#: 108 1007 Examinations	Refer for Group Consideration	Refer for Group Consideration
ID#: 109 1008 Waiver for Equivalent Training - Reciprocity	Refer for Group Consideration	Refer for Group Consideration
ID#: 111 1009 Personnel Action Reports	Refer for Group Consideration	Refer for Group Consideration
ID#: 1005 1010 Certificates and Awards	Refer for Group Consideration	Refer for Group Consideration
ID#: 112 1011 Certification of Auxiliary Law Enforcement Officers	Refer for Group Consideration	Refer for Group Consideration
ID#: 113 1012 Part-Time Law Enforcement Officers	Refer for Group Consideration	Refer for Group Consideration
ID#: 114 1013 Certification of Specialized Police Personnel	Refer for Group Consideration	Refer for Group Consideration
ID#: 115 1014 Certification of Field Training Officers	Refer for Group Consideration	Refer for Group Consideration
ID#: 116 1015 Certification of Radar Operators & Instructors	Refer for Group Consideration	Refer for Group Consideration
ID#: 117 1016 Certification of Instructors	Refer for Group Consideration	Refer for Group Consideration
ID#: 118 1017 Certification of Schools or Courses	Refer for Group Consideration	Refer for Group Consideration
ID#: 119 1018 Curriculum	Refer for Group Consideration	Refer for Group Consideration

Agency / Rule Title	House Action	Senate Action
ID#: 120	1019 Training Records	Refer for Group Consideration
ID#: 121	1020 Code of Ethics	Refer for Group Consideration
ID#: 122	1021 Director	Refer for Group Consideration
ID#: 123	1022 Miscellaneous Activities of the Commission	Refer for Group Consideration
ID#: 124	1023 Commission Publications	Refer for Group Consideration
ID#: 125	1024 Right to Amend	Refer for Group Consideration
ID#: 126	1025 Retired Officer's Right to Carry Weapon	Refer for Group Consideration
ID#: 127	1026 Arkansas State Standard for Firearms Training and Qualification	Refer for Group Consideration
ID#: 128	1027 Traffic Wardens	Refer for Group Consideration
ID#: 129	1028 Certification of Law Enforcement Canines	Refer for Group Consideration
ID#: 130	1029 Decertification of Law Enforcement Canines	Refer for Group Consideration
ID#: 131	1030 Certification of Law Enforcement Canine Certifying Official	Refer for Group Consideration
ID#: 132	1031 Decertification of a Law Enforcement Canine Official	Refer for Group Consideration
ID#: 133	1032 Retired Officer Elected as Constable	Refer for Group Consideration
ID#: 134	1033 Marijuana Leaf Field Test Technician	Refer for Group Consideration
ID#: 10252	1034 Decertification, Disciplinary Action, and Hearings	Refer for Group Consideration
ID#: 135	S-1 Citizenship and Age Verification	Refer for Group Consideration
ID#: 136	S-2 Fingerprint Record Check	Refer for Group Consideration
ID#: 137	S-3 The Background Investigation	Refer for Group Consideration
ID#: 138	S-4 High School Education	Refer for Group Consideration
ID#: 139	S-5 Physical Examination	Refer for Group Consideration
ID#: 140	S-6 Personal Interview	Refer for Group Consideration
ID#: 141	S-7 Psychological Examination	Refer for Group Consideration
ID#: 142	S-8 College Education Credits	Refer for Group Consideration
ID#: 143	S-9 The Basic Training Course	Refer for Group Consideration
ID#: 144	S-10 The Supervisory Course	Refer for Group Consideration
ID#: 145	S-11 The Middle Management Course	Refer for Group Consideration
ID#: 146	S-12 The Executive Course	Refer for Group Consideration
ID#: 147	S-13 The Refresher Course	Refer for Group Consideration
ID#: 148	S-14 The Specialized Course	Refer for Group Consideration
ID#: 149	S-15 Certification of Law Enforcement Officers	Refer for Group Consideration
ID#: 150	S-16 Certification of Instructors	Refer for Group Consideration
ID#: 151	S-17 Certification of Police Traffic Radar Operators and Instructors	Refer for Group Consideration
ID#: 152	S-18 Certification of Schools or Courses	Refer for Group Consideration
ID#: 153	S-19 Certification of Field Training Officers	Refer for Group Consideration
ID#: 154	S-20 Certification of Specialized Police	Refer for Group Consideration
ID#: 155	S-21 The Law Enforcement Code of Ethics	Refer for Group Consideration
ID#: 156	S-22 Certification of Marijuana Leaf Field Technician	Refer for Group Consideration

Arkansas Crime Information Center

Agency / Rule Title	House Action	Senate Action
Rules to Enforce		
ID#: 9327	ACIC Systems Regulations	Refer for Group Consideration
Arkansas Public Defender Commission		
Rules to Enforce		
ID#: 9566	APDC Initial Rule	Refer for Group Consideration
ID#: 9567	APDC Minimum Standards	Refer for Group Consideration
Arkansas Sentencing Commission		
Rules to Enforce		
ID#: 9565	Arkansas Sentencing Standards Seriousness Reference Table & Sentencing Grid	Refer for Group Consideration
Crime Victims Reparations Board		
Rules to Repeal		
ID#: 245	No. 11 Garnishment and Assignment of Award	Accept Recommendation to Repeal
ID#: 249	No. 15 Subrogation Rights of the Board	Accept Recommendation to Repeal
ID#: 254	No. 20 Eligibility Requirements and Application Review Procedure for the Sexual Assault Reimbursement Program	Accept Recommendation to Repeal
Rules to Enforce		
ID#: 235	No. 1 Title and Operative Date of the Act	Refer for Group Consideration
ID#: 236	No. 2 Definitions	Refer for Group Consideration
ID#: 237	No. 3 Types of Compensation Available	Refer for Group Consideration
ID#: 238	No. 4 Membership and Officers of the Board	Refer for Group Consideration
ID#: 239	No. 5 Purpose of the Board	Refer for Group Consideration
ID#: 240	No. 6 Powers and Duties of the Board	Refer for Group Consideration
ID#: 241	No. 7 Meetings of the Board	Refer for Group Consideration
ID#: 242	No. 8 Eligibility Criteria for Compensation	Refer for Group Consideration
ID#: 243	No. 9 Unjust Enrichment	Refer for Group Consideration
ID#: 244	No. 10 Maximum Compensation Amounts and Methods of Payment	Refer for Group Consideration
ID#: 246	No. 12 Application Review Procedure	Refer for Group Consideration
ID#: 247	No. 13 Advance (Emergency) Award of Compensation	Refer for Group Consideration
ID#: 248	No. 14 Appeals Procedure	Refer for Group Consideration
ID#: 250	No. 16 Penalty for False Claims	Refer for Group Consideration
ID#: 251	No. 17 Board Staff	Refer for Group Consideration
ID#: 252	No. 18 Claims of Incompetents or Minor Children	Refer for Group Consideration
ID#: 253	No. 19 Amendment to Rules and Regulations	Refer for Group Consideration
ID#: 255	No. 21 Cost Ceiling on Medical Bills	Refer for Group Consideration
ID#: 256	No. 22 Cost Ceiling on Mental Health Bills	Refer for Group Consideration
ID#: 257	No. 23 Conflict of Interest	Refer for Group Consideration
ID#: 258	No. 24 Supplemental Awards	Refer for Group Consideration
ID#: 259	No. 25 Financial Obligation Requirement	Refer for Group Consideration
Criminal Detention Facilities Review Commission		

Agency / Rule Title	House Action	Senate Action
Rules to Enforce		
ID#: 23 Criminal Detention Facility Standards	Refer for Group Consideration	Refer for Group Consideration
ID#: 24 Juvenile Detention Facility Standards	Refer for Group Consideration	Refer for Group Consideration

Department of Arkansas State Police

Rules to Enforce

ID#: 1275 Concealed Handgun Carry License Rules		Deferred for Discussion
ID#: 1278 Fire Prevention Code	Refer for Group Consideration	Refer for Group Consideration
ID#: 1282 Municipal Police Patrols for Controlled-Access Facilities Rules	Refer for Group Consideration	Refer for Group Consideration
ID#: 1279 Regulation 1998-1 -- Purchase of Blue Light/Lens Sale & Purchase of Official Law Enforcement Insignia & Reporting	Refer for Group Consideration	Refer for Group Consideration
ID#: 1281 Regulations for Towing Relation List	Refer for Group Consideration	Refer for Group Consideration
ID#: 1410 Rules Concerning the Crimes Against Children Division (CACD) Procedures	Refer for Group Consideration	Refer for Group Consideration

Department of Community Correction

Rules to Repeal

ID#: 940 Administrative Review Process AR 1.2	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 944 Community Transition Work Study AR 7.5	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 972 Funds, Clothing for Released Offenders AR 7.7 (ADC 814)	Accept Recommendation to Repeal	Recommend to not Repeal
ID#: 979 Performance Incentive Grant Funding AR 2.1	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 1447 Resident Property Control AR 7.18	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 989 Segregation AR 7.15 (ADC 836)	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 991 Technical Violator Program AR 7.6	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 992 Tobacco AR 4.7 (ADC 224)	Accept Recommendation to Repeal	Accept Recommendation to Repeal

Rules to Enforce

ID#: 941 Classification of Offenders AR 7.2 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 942 Community Correction Center Criteria and Standards AR 1.4	Refer for Group Consideration	Refer for Group Consideration
ID#: 943 Community Service Program AR 8.8	Refer for Group Consideration	Refer for Group Consideration
ID#: 945 Drug-Free Workplace AR 3.2 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 946 Economic Sanctions AR 2.9	Refer for Group Consideration	Refer for Group Consideration
ID#: 969 Electronic Monitoring After 120 Days Served AR 7.12	Refer for Group Consideration	Refer for Group Consideration
ID#: 970 Employee Grievance Procedure AR 3.17 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 971 Escapes, Disturbances or Emergencies AR 4.6	Refer for Group Consideration	Refer for Group Consideration
ID#: 973 Funds of Offenders AR 2.8 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 194 Furlough Program AR 7.30	Refer for Group Consideration	Refer for Group Consideration
ID#: 974 Grievance Procedures for Offenders AR 7.14 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 975 Harassment AR 3.15	Refer for Group Consideration	Refer for Group Consideration
ID#: 976 Meritorious Good Time AR 7.9 J	Refer for Group Consideration	Refer for Group Consideration

Agency / Rule Title	House Action	Senate Action
ID#: 977 Offender Commissaries AR 2.3 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 978 Offender Substance Abuse 8.9	Refer for Group Consideration	Refer for Group Consideration
ID#: 980 Personal Cleanliness and Grooming for Offenders AR 7.17 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 981 Policy and Procedure Development AR 1.1	Refer for Group Consideration	Refer for Group Consideration
ID#: 1443 Prenatal Care/Pregnant Inmates/Residents AR 7.1 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 1458 Processing of Lawsuits AR 1.8 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 984 Procurement and Disposition Activities AR 2.10 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 983 Public Release of Offender Information AR 7.4	Refer for Group Consideration	Refer for Group Consideration
ID#: 985 Reentry Facility Program AR 7.10	Refer for Group Consideration	Refer for Group Consideration
ID#: 986 Research and Program Evaluation AR 1.9	Refer for Group Consideration	Refer for Group Consideration
ID#: 1448 Resident Correspondence AR 7.22	Refer for Group Consideration	Refer for Group Consideration
ID#: 1449 Resident Publications AR 7.23	Refer for Group Consideration	Refer for Group Consideration
ID#: 988 Resident Visitation AR 7.24	Refer for Group Consideration	Refer for Group Consideration
ID#: 1450 Safety, Security and Sanitation at Residential Centers AR 4.1	Refer for Group Consideration	Refer for Group Consideration
ID#: 990 Sentence Computation and Tracking AR 7.3 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 1819 Terminal Illness or Permanently Incapacitated AR 7.19 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 993 Transfer Eligibility to Community Correction AR 8.1 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 193 Transitional Housing Program AR 7.8	Refer for Group Consideration	Refer for Group Consideration
ID#: 1444 Use of Force AR 4.9	Refer for Group Consideration	Refer for Group Consideration
ID#: 994 Use of Telephone AR 7.29 J	Refer for Group Consideration	Refer for Group Consideration
ID#: 995 Volunteer Program AR 7.27	Refer for Group Consideration	Refer for Group Consideration
Department of Correction		
Rules to Repeal		
ID#: 1406 AR 003 Inspection Tours by the Unit Warden/Center Supervisor	Accept Recommendation to Repeal	Deferred for Discussion
ID#: 1408 AR 004 Staff Meetings	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 1415 AR 006 Document and Report Procedure	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 1423 AR 018 Post Orders	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 1507 AR 204 employment Policy	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 1510 AR 210 Relationships and Transactions with Inmates	Accept Recommendation to Repeal	Recommend to not Repeal
ID#: 1528 AR 222 Bachelors Officer Quarters	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 1564 AR 406 Employee Identification Cards	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 1612 AR 801 Racial Balance in Inmate Job Assignments	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 1627 AR 814 Funds/Clothing for Released Offenders	Accept Recommendation to Repeal	Recommend to not Repeal
ID#: 1648 AR 836 Segregation	Accept Recommendation to Repeal	Deferred for Discussion
ID#: 1486 AR 1305 Executive Clemency, Pardons and Commutations of Sentences	Accept Recommendation to Repeal	Accept Recommendation to Repeal

Rules to Enforce

Agency / Rule Title	House Action	Senate Action
ID#: 1404	AR 001 Administrative regulations, Directives and Memoranda	Refer for Group Consideration
ID#: 1405	AR 002 Authority of Unit Wardens, Center Supervisors, Administrators, or Designees	Refer for Group Consideration
ID#: 1409	AR 005 Reporting of Incidents	Refer for Group Consideration
ID#: 1417	AR 007 Legislation-Liaison and/or Inquiries	Refer for Group Consideration
ID#: 1418	AR 011 News Media, Interviews and Correspondence	Refer for Group Consideration
ID#: 1419	AR 013 Staff Training	Refer for Group Consideration
ID#: 1420	AR 014 INTERNAL AFFAIRS and INVESTIGATIONS	Refer for Group Consideration
ID#: 1422	AR 017 Critical Incident Review	Refer for Group Consideration
ID#: 1424	AR 019 Processing of Lawsuits	Refer for Group Consideration
ID#: 1425	AR 020 Emergency Preparedness	Refer for Group Consideration
ID#: 1428	AR 100 Fiscal and Accounting Operations	Refer for Group Consideration
ID#: 1430	AR 101 Allotment of Appropriations and Budget Preparations	Refer for Group Consideration
ID#: 1432	AR 102-A Industry Program Procedures, Sales or Acquisitions Between Public Procurement Units	Refer for Group Consideration
ID#: 1433	AR 103 Inmate Commissaries	Refer for Group Consideration
ID#: 1434	AR 104 Property Control	Refer for Group Consideration
ID#: 1436	AR 105 Audits	Refer for Group Consideration
ID#: 1437	AR 107 Conflicts of Interest	Refer for Group Consideration
ID#: 1439	AR 108 Travel Regulations	Refer for Group Consideration
ID#: 1440	AR 109 Funds of Offenders	Refer for Group Consideration
ID#: 1442	AR 112 Farming and Livestock Activities	Refer for Group Consideration
ID#: 1453	AR 113 Farm Produced Commodities	Refer for Group Consideration
ID#: 1455	AR 114 Arkansas Correctional Industries	Refer for Group Consideration
ID#: 1460	AR 115 Private Industry Employment of Inmates Within Correctional Facilities	Refer for Group Consideration
ID#: 1461	AR 118 Procurement and Disposition Activities	Refer for Group Consideration
ID#: 1654	AR 201 Grooming and Attire Standards for Security and Non-Security Employees	Refer for Group Consideration
ID#: 1505	AR 202 Drug-Free Workplace	Refer for Group Consideration
ID#: 1508	AR 206 Trading or Trafficking With and Aiding or Abetting Unauthorized Actions by	Refer for Group Consideration
ID#: 1509	AR 209 Part-Time Employment	Refer for Group Consideration
ID#: 1512	AR 211 Physical Attacks on State Employees	Refer for Group Consideration
ID#: 1514	AR 212 Searches of Employees and Permission to Search Employee's Living Quarters on State	Refer for Group Consideration
ID#: 1515	AR 213 Hunting and Fishing Privileges	Refer for Group Consideration
ID#: 1517	AR 216 Accepting Gifts, Grants and Donations for the Department of Correction	Refer for Group Consideration
ID#: 1519	AR 217 Staff Assignments, housing and Emoluments	Refer for Group Consideration
ID#: 1655	AR 224 Tobacco	Refer for Group Consideration
ID#: 1531	AR 225 Employee Conduct Standards	Refer for Group Consideration
ID#: 1533	AR 226 Sexual Harassment	Refer for Group Consideration

Agency / Rule Title	House Action	Senate Action
ID#: 1534 AR 228 Equal Employment Opportunity	Refer for Group Consideration	Refer for Group Consideration
ID#: 1535 AR 229 Employee Grievance Procedure	Refer for Group Consideration	Refer for Group Consideration
ID#: 1537 AR 400 Security	Refer for Group Consideration	Refer for Group Consideration
ID#: 1548 AR 401 Searches for and Control of Contraband	Refer for Group Consideration	Refer for Group Consideration
ID#: 1555 AR 402 Storage of Weapons	Refer for Group Consideration	Refer for Group Consideration
ID#: 1556 AR 403 Use of Restraints	Refer for Group Consideration	Refer for Group Consideration
ID#: 1559 AR 404 Transporting/Escorting Offenders	Refer for Group Consideration	Refer for Group Consideration
ID#: 1561 AR 405 State Police Assistance During Escapes and Other Disturbances	Refer for Group Consideration	Refer for Group Consideration
ID#: 1565 AR 407 Safety and Sanitation	Refer for Group Consideration	Refer for Group Consideration
ID#: 1566 AR 409 Use of Force	Refer for Group Consideration	Refer for Group Consideration
ID#: 1567 AR 410 Use of Chemical Agents and Other Non-Lethal Weapons	Refer for Group Consideration	Refer for Group Consideration
ID#: 1568 AR 411 Use of Audio-Visual Equipment	Refer for Group Consideration	Refer for Group Consideration
ID#: 1569 AR 412 Use of Canine Teams in Aggression and Protection Roles	Refer for Group Consideration	Refer for Group Consideration
ID#: 1570 AR 413 Prison Rape Elimination Act (P.R.E.A.)	Refer for Group Consideration	Refer for Group Consideration
ID#: 1571 AR 500 Educational Services	Refer for Group Consideration	Refer for Group Consideration
ID#: 1573 AR 600 Food Service	Refer for Group Consideration	Refer for Group Consideration
ID#: 1616 AR 802 Classification of Offenders	Refer for Group Consideration	Refer for Group Consideration
ID#: 1621 AR 803 Sentence Computation and Tracking	Refer for Group Consideration	Refer for Group Consideration
ID#: 1624 AR 804 Inmate Records	Refer for Group Consideration	Refer for Group Consideration
ID#: 1625 AR 810 Inmate Emergency Medical Expenses Incurred While in County Jails	Refer for Group Consideration	Refer for Group Consideration
ID#: 1626 AR 812 Temporary Release/Meritorious and Emergency Furloughs	Refer for Group Consideration	Refer for Group Consideration
ID#: 1629 AR 825 Inmate Name Changes for Religious Purposes	Refer for Group Consideration	Refer for Group Consideration
ID#: 1631 AR 826 Meritorious Good Time	Refer for Group Consideration	Refer for Group Consideration
ID#: 1632 AR 829 Prenatal Care/Pregnant Inmates/Residents	Refer for Group Consideration	Refer for Group Consideration
ID#: 1636 AR 830 Corporal Punishment	Refer for Group Consideration	Refer for Group Consideration
ID#: 1637 AR 831 Disciplinary Rules and Regulations	Refer for Group Consideration	Refer for Group Consideration
ID#: 1643 AR 832 Discrimination and Racial Issues	Refer for Group Consideration	Refer for Group Consideration
ID#: 1645 AR 833 Health Services	Refer for Group Consideration	Refer for Group Consideration
ID#: 1646 AR 834 Procedure for Handling Disciplinary Infractions of Mentally Disordered Inmates	Refer for Group Consideration	Refer for Group Consideration
ID#: 1647 AR 835 Grievance Procedures for Offenders	Refer for Group Consideration	Refer for Group Consideration
ID#: 1649 AR 837 Protective Custody	Refer for Group Consideration	Refer for Group Consideration
ID#: 1650 AR 839 Punitive Segregation	Refer for Group Consideration	Refer for Group Consideration
ID#: 1657 AR 840 Personal Cleanliness and Grooming for Offenders	Refer for Group Consideration	Refer for Group Consideration
ID#: 1659 AR 841 Inmate Property Control	Refer for Group Consideration	Refer for Group Consideration
ID#: 1660 AR 850 TERMINAL ILLNESS OR PERMANENTLY INCAPACITATED	Refer for Group Consideration	Refer for Group Consideration
ID#: 1661 AR 851 Continuity of Care	Refer for Group Consideration	Refer for Group Consideration
ID#: 1663 AR 854 Research and Experimentation	Refer for Group Consideration	Refer for Group Consideration

Agency / Rule Title	House Action	Senate Action
ID#: 1667 AR 855 Investigation and Transportation of Deceased Inmates	Refer for Group Consideration	Refer for Group Consideration
ID#: 1669 AR 860 Inmate Correspondence	Refer for Group Consideration	Refer for Group Consideration
ID#: 1671 AR 864 Publications	Refer for Group Consideration	Refer for Group Consideration
ID#: 1672 AR 865 Visitation	Refer for Group Consideration	Refer for Group Consideration
ID#: 1677 AR 867 Use of Telephone	Refer for Group Consideration	Refer for Group Consideration
ID#: 1679 AR 876 Inmate Emergency work Assignments During Disasters	Refer for Group Consideration	Refer for Group Consideration
ID#: 1680 AR 881 Volunteer Services	Refer for Group Consideration	Refer for Group Consideration
ID#: 1712 AR 883 Chaplaincy Services	Refer for Group Consideration	Refer for Group Consideration
ID#: 1716 AR 888 Boot Camp Program	Refer for Group Consideration	Refer for Group Consideration
ID#: 1718 AR 890 Arkansas DOC Jail Facilities	Refer for Group Consideration	Refer for Group Consideration
ID#: 1719 AR 891 DNA Testing	Refer for Group Consideration	Refer for Group Consideration
ID#: 1720 AR 893 Medical Co-Pay	Refer for Group Consideration	Refer for Group Consideration
ID#: 1721 AR 894 Third Party agreements to House ADC Inmates	Refer for Group Consideration	Refer for Group Consideration
ID#: 1462 AR 1200 Work/Study Release Program	Refer for Group Consideration	Refer for Group Consideration
ID#: 1463 AR 1201 Inmate Labor by Contractual Agreement and Volunteer Services	Refer for Group Consideration	Refer for Group Consideration
ID#: 1470 AR 1210 Pre-Release Program	Refer for Group Consideration	Refer for Group Consideration
ID#: 1473 AR 1212 Inmates Housed in County Jails and City Jails (Act 309)	Refer for Group Consideration	Refer for Group Consideration
ID#: 1481 AR 1301 Transfer Eligibility to Community Punishment	Refer for Group Consideration	Refer for Group Consideration
ID#: 1491 AR 1315 Emergency Powers Act	Refer for Group Consideration	Refer for Group Consideration
ID#: 1495 AR 1316 Emergency Powers Act – County Jail Backlog	Refer for Group Consideration	Refer for Group Consideration
ID#: 1503 AR 1317 Electronic Monitoring After 120 Days Served	Refer for Group Consideration	Refer for Group Consideration
Department of Finance and Administration		
Rules to Enforce		
ID#: 9221 Administration of Justice Fund		
ID#: 9302 Criminal Detention Facility Standards		
ID#: 9303 Juvenile Detention Facility Standards		
ID#: 9578 Office of Child Support Enforcement Policy Manual		
Department of Finance and Administration - Office of Child Support Enforcement		
Rules to Enforce		
ID#: 10687 Office of Child Support Enforcement Policy Manual		
Department of Higher Education		
Rules to Repeal		
ID#: 1292 Procedure for Approval of Course Outlines for Beginning and Continuing Education for Bail Bondsmen (Private Career Education)		
Parole Board		
Rules to Enforce		
ID#: 1284 Arkansas Parole Board Policy Manual		
Professional Bail Bondsman Licensing Board		
Rules to Enforce		
ID#: 9787 Rule and Regulation 1		

ID#: 9788 Rule and Regulation 2

Sex Offender Assessment Committee

Rules to Enforce

ID#: 1592 Sex Offender Guidelines and Procedures

State Crime Laboratory

Rules to Enforce

ID#: 53 Collection of DNA Samples: Jui's Law

ID#: 52 Rules and Procedures for the Collection of DNA Samples as Required by Act 737 of 1997

ID#: 54 Rules and Procedures for the Collection, Maintenance, and Preservation of Fetal Tissue

**91ST GENERAL ASSEMBLY
ACT 781 OF 2017 - STATE AGENCY RULES REVIEW
COMMITTEE MINUTES
SENATE and HOUSE JUDICIARY COMMITTEES**

CHAIRS: REP. TOSH / SEN. HUTCHINSON COMMITTEE STAFF: ADRIENNE WILLIAMS / JUDY STEELMAN

DATE: AUGUST 28, 2018 TIME: 1:00 PM ROOM 130

EXHIBIT #	RULE #	MOTION	MADE BY	SECONDED BY	RESULTS
C-24	All	Refer Rules to Group Consideration	Rep. Tosh	Rep. Rushing	Carried - Voice Vote
C-26	All	Refer Rules to Group Consideration	Rep. Tosh	Rep. Fite	Carried - Voice Vote
C-28	All	Accept Recommendation to Repeal	Rep. Tosh	Sen. Stubblefield	Carried - Voice Vote
C-30	All	Refer Rules to Group Consideration	Rep. Tosh	Rep. House	Carried - Voice Vote
C-32	All	Refer Rules to Group Consideration	Rep. Tosh	Sen. Stubblefield	Carried - Voice Vote
C-34	All	Refer Rules to Group Consideration	Rep. Tosh	Sen. Stubblefield	Carried - Voice Vote
C-36	All	Refer Rules to Group Consideration	Rep. Tosh	Rep. House	Carried - Voice Vote
D-1	1275	Refer Rules to Group Consideration	Rep. Tosh	Sen. Garner	Carried - Voice Vote
D-3	1406	Accept Recommendation to Repeal	Rep. Tosh	Rep. Drown	Carried - Voice Vote
D-5	1648	Accept Recommendation to Repeal	Rep. Tosh	Sen. Stubblefield	Carried - Voice Vote

ATTENDANCE
91st General Assembly
Act 781 of 2017- State Agency Rules Review
Judiciary Committees – Senate and House

Date: 8-28-18

MEMBERS	PRESENT	ABSENT
Sen. Will Bond	X	
Sen. Breanne Davis	X	
Sen. Trent Garner	X	
Sen. Jeremy Hutchinson		X
Sen. Bryan King		X
Sen. Terry Rice		X
Sen. Linda Collins-Smith		X
Sen. Gary Stubblefield	X	
Rep. Bob Ballinger	X	
Rep. Charles Blake	X	
Rep. Sarah Capp	X	
Rep. Carol Dalby		X
Rep. R. Trevor Drown	X	
Rep. Lanny Fite	X	
Rep. Charlene Fite	X	
Rep. Jimmy Gazaway		X
Rep. Michelle Gray		X
Rep. Douglas House	X	
Rep. John Maddox		X
Rep. Milton Nicks, Jr.	X	
Rep. Rebecca Petty	X	
Rep. Laurie Rushing	X	
Rep. Matthew J. Shepherd	X	
Rep. Brandt Smith	X	
Rep. Dwight Tosh	X	
Rep. Clarke Tucker	X	
Rep. David Whitaker	X	
TOTALS	19	8

Committee Report for Act 781 of 2017 Meetings

for JUDICIARY COMMITTEE - HOUSE & SENATE

Tuesday, August 28, 2018 at 1:00 PM

The JUDICIARY COMMITTEE - HOUSE & SENATE committees met on Tuesday, August 28, 2018 at 1:00 PM in Room 130, and the following actions were taken:

Agency / Rule Title	House Action	Senate Action
Department of Arkansas State Police		
Rules to Enforce		
ID#: 1275 Concealed Handgun Carry License Rules	Refer for Group Consideration	Refer for Group Consideration
Department of Correction		
Rules to Repeal		
ID#: 1406 AR 003 Inspection Tours by the Unit Warden/Center Supervisor	Accept Recommendation to Repeal	Accept Recommendation to Repeal
ID#: 1648 AR 836 Segregation	Accept Recommendation to Repeal	Accept Recommendation to Repeal
Department of Finance and Administration		
Rules to Enforce		
ID#: 9221 Administration of Justice Fund	Refer for Group Consideration	Refer for Group Consideration
ID#: 9302 Criminal Detention Facility Standards	Refer for Group Consideration	Refer for Group Consideration
ID#: 9303 Juvenile Detention Facility Standards	Refer for Group Consideration	Refer for Group Consideration
ID#: 9578 Office of Child Support Enforcement Policy Manual	Refer for Group Consideration	Refer for Group Consideration
Department of Finance and Administration - Office of Child Support Enforcement		
Rules to Enforce		
ID#: 10687 Office of Child Support Enforcement Policy Manual	Refer for Group Consideration	Refer for Group Consideration
Department of Higher Education		
Rules to Repeal		
ID#: 1292 Procedure for Approval of Course Outlines for Beginning and Continuing Education for Bail Bondsmen (Private Career Education)	Accept Recommendation to Repeal	Accept Recommendation to Repeal
Parole Board		
Rules to Enforce		
ID#: 1284 Arkansas Parole Board Policy Manual	Refer for Group Consideration	Refer for Group Consideration
Professional Bail Bondsmen Licensing Board		
Rules to Enforce		
ID#: 9787 Rule and Regulation 1	Refer for Group Consideration	Refer for Group Consideration
ID#: 9788 Rule and Regulation 2	Refer for Group Consideration	Refer for Group Consideration
Sex Offender Assessment Committee		
Rules to Enforce		
ID#: 1592 Sex Offender Guidelines and Procedures	Refer for Group Consideration	Refer for Group Consideration
State Crime Laboratory		
Rules to Enforce		
ID#: 53 Collection of DNA Samples: Jull's Law	Refer for Group Consideration	Refer for Group Consideration

Agency / Rule Title	House Action	Senate Action
ID#: 52 Rules and Procedures for the Collection of DNA Samples as Required by Act 737 of 1997	Refer for Group Consideration	Refer for Group Consideration
ID#: 54 Rules and Procedures for the Collection, Maintenance, and Preservation of Fetal Tissue	Refer for Group Consideration	Refer for Group Consideration

Rules for Joint Meetings of House and Senate Committees *for the Purpose of Administrative Rule Review under Act 781 of 2017*

PURPOSE: Act 781 of 2017 requires that the standing committees of the House of Representatives and the Senate meet during the interim in order to provide a recommendation to the Legislative Council to either accept or reject an agency's decision to repeal a rule. To expedite this process, the standing committees of the House and the Senate will hold joint meetings to hear and discuss the administrative rules and regulations of the various state agencies. The purpose of these rules is to establish the procedures to be applied to joint meetings of committees of the House and the Senate when meeting to fulfill their responsibilities under Act 781 of 2017.

PROCEDURE: Except as otherwise specified in these Rules, the proceedings of these joint meetings shall be governed by the same rules as govern the House of Representatives and the Senate of the General Assembly of the State of Arkansas, so far as they are applicable and do not conflict with one another, together with MASON'S MANUAL OF LEGISLATIVE PROCEDURE.

1. **Presiding Chair.** The Chair of the House committee and the Chair of the Senate committee shall alternate, meeting by meeting, which of the two shall preside.
2. **Agenda Items.** The standing committees of the House of Representatives and the Senate shall meet jointly for the sole purpose of considering agency rules assigned to the standing committees by the Speaker of the House of Representatives and the President Pro Tempore of the Senate.
 - a. During these joint meetings, the committees shall consider:
 - i. The rules the agency appearing before them wishes to repeal and the corresponding justifications submitted by the agency; and
 - ii. The agency rules that will continue to be enforced by the agency and the corresponding justifications.
 - b. The standing committees are only authorized under Act 781 to make a recommendation to the Legislative Council regarding rules that an agency wishes to repeal. The committees are not authorized to make recommendations regarding rules the agency states it plans to continue to enforce, but shall make a motion to refer to group consideration pursuant to Arkansas Code § 25-15-403.
3. **Germaneness.** If the issue of germaneness of committee assignment of a rule arises in the joint meeting of the committees, the issue shall be submitted in writing by the chairs of the joint committees to the Speaker of the House of Representatives and the President Pro Tempore of the Senate for their final determination.
4. **Public Comment.** When hearing from an agency regarding the repeal of an administrative rule, the joint committees shall allow an agency representative and the public to comment on the rule. A sign-up sheet for comment on the rules on

the agenda shall be made available to the public at each meeting of the standing committees.

5. **Recommendation to the Legislative Council.** The House and Senate committees shall make a recommendation to the Administrative Rules and Regulations Subcommittee of the Legislative Council to either accept or reject the agency's decision to repeal a rule. If the House and Senate committees are not in agreement with regard to their recommendations for any rule, they may submit separate recommendations to the subcommittee.

6. **Quorum.**

- a. The Senate committee consists of eight (8) members. Five (5) Senate committee members constitute a quorum of the Senate committee.
- b. The House standing committee consists of twenty (20) members.
 - i. Eleven (11) House committee members constitute a quorum of the House committee.
 - ii. Provided, however, that in accordance with House Rule 66, the Speaker of the House shall not be included for the purpose of determining what is a majority of a standing committee, unless present at the time of the vote.
- c. The membership number for House Select committees varies, but a quorum shall consist of a majority of the committee membership.

7. **Action.** An affirmative vote of a majority of the members present when a quorum is present in each committee shall be required in order to take action on any issue before the committees.

- a. **Voice Vote.** The presiding chair may call for a voice vote of the committees voting jointly on any issue before the committees.
- b. **Separation of the Vote.** Upon the request of one (1) member of either committee, a separate voice vote of the committees shall be taken, and a majority of the members present in each committee when a quorum is present in each committee will be required for passage of the motion before them.
- c. **Roll Call.** In order to conduct a roll call vote, one (1) member of either committee shall make a request to separate the vote of the committees. Following the determination to separate the vote, a roll call of the Senate committee shall be conducted if one (1) member of the Senate committee requests a roll call. A roll call of the House committee shall be conducted if two (2) members of the House committee request a roll call.
- d. **Batching.** The joint committee may vote on agency rules in batches. If a member of either the House or Senate committee would like to pull out a rule for separate discussion and consideration, the rule shall be placed on the agenda for the next joint meeting of the standing committees and will be taken up for consideration at that meeting whether the requesting member is present or not.