

**AGENDA**  
**Senate Committee on State Agencies and Governmental Affairs**  
**House Committee on State Agencies and Governmental Affairs**  
**Meeting Jointly**

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**Tuesday, August 28, 2018**  
**9:00 AM**  
**Room 151, State Capitol**  
**Little Rock, Arkansas**

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Sen. Gary Stubblefield, Vice-Chair  
Sen. Missy Irvin  
Sen. Bart Hester  
Sen. Bryan King  
Sen. Terry Rice  
Sen. Trent Garner  
Sen. David Wallace  
Sen. Ricky Hill

Rep. Bob Ballinger, Chair  
Rep. Jack Ladyman, Vice-Chair  
Rep. Jeff Wardlaw  
Rep. Kim Hammer  
Rep. Jon S. Eubanks  
Rep. Douglas House  
Rep. Charlotte V. Douglas  
Rep. Jim Dotson  
Rep. Josh Miller  
Rep. Richard Womack

Rep. Andy Davis  
Rep. Warwick Sabin  
Rep. Kim Hendren  
Rep. Trevor Drown  
Rep. Michelle Gray  
Rep. Dwight Tosh  
Rep. Justin Gonzales  
Rep. Kenneth B. Ferguson  
Rep. James Sturch  
Rep. Brandt Smith

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- A. Call to Order
- B. Consideration of State Agency Rules pursuant to Act 781 of 2017 that were deferred for discussion:
1. Arkansas Appraiser Licensing and Certification Board
    - a) Rules the agency will not be repealing:
      - i. Appraisal Management Company Rules and Regulations [\[EXHIBIT B-001\]](#)
  2. Arkansas Ethics Commission
    - a) Rules the agency will not be repealing:
      - i. Rules on Campaign Finance & Disclosure [\[EXHIBIT B-003\]](#)
  3. Arkansas Home Inspector Registration Board
    - a) Rules the agency will not be repealing:
      - i. Rules and Procedures of the Arkansas Home Inspector Registration Board [\[EXHIBIT B-005\]](#)
  4. Arkansas Real Estate Commission
    - a) Rules the agency is requesting to repeal:
      - i. 13.9 Promotional programs; prizes, odds [\[EXHIBIT B-007\]](#)
    - b) Rules the agency will not be repealing:
      - i. 1.1 Meetings of Commission [\[EXHIBIT B-009\]](#)
      - ii. 1.2 Place of Regular Meetings [\[EXHIBIT B-011\]](#)
      - iii. 1.3 Appearance before Commission [\[EXHIBIT B-013\]](#)

**Note: All exhibits for this meeting are available by electronic means and are accessible on the General Assembly's website at [www.arkleg.state.ar.us](http://www.arkleg.state.ar.us)**

**Notice: Silence your cell phones. Keep your personal conversations to a minimum. Observe restrictions designating areas as 'Members and Staff Only'.**

- iv. 1.4 Director to prepare agenda [\[EXHIBIT B-015\]](#)
- v. 1.5 Director to fix salaries [\[EXHIBIT B-017\]](#)
- vi. 1.6 Subpoenas [\[EXHIBIT B-019\]](#)
- vii. 2.1 Director duties, authority, and responsibility [\[EXHIBIT B-021\]](#)
- viii. 3.1 Fees [\[EXHIBIT B-023\]](#)
- ix. 3.2 Dishonored checks [\[EXHIBIT B-025\]](#)
- x. 3.3 Overpayment of fees [\[EXHIBIT B-027\]](#)
- xi. 4.1 Applications; education; experience [\[EXHIBIT B-029\]](#)
- xii. 4.2 Examinations; passing scores; reexaminations [\[EXHIBIT B-031\]](#)
- xiii. 4.3 Examinations; application procedure; time requirements [\[EXHIBIT B-033\]](#)
- xiv. 5.1 Application [\[EXHIBIT B-035\]](#)
- xv. 5.2 List of approved jurisdictions [\[EXHIBIT B-037\]](#)
- xvi. 5.4 Written agreements with other jurisdictions [\[EXHIBIT B-039\]](#)
- xvii. 6.1 Renewal applications [\[EXHIBIT B-041\]](#)
- xviii. 6.2 Inactive status renewal [\[EXHIBIT B-043\]](#)
- xix. 6.3 Expired licenses [\[EXHIBIT B-045\]](#)
- xx. 7.1 Firm name approval [\[EXHIBIT B-047\]](#)
- xxi. 7.2 Temporary license [\[EXHIBIT B-049\]](#)
- xxii. 7.3 Place of business; sign [\[EXHIBIT B-051\]](#)
- xxiii. 7.4 Branch office [\[EXHIBIT B-053\]](#)
- xxiv. 7.5 Termination or transfer [\[EXHIBIT B-055\]](#)
- xxv. 7.6 Change of address; lost license or pocket card [\[EXHIBIT B-057\]](#)
- xxvi. 7.7 Death of principal broker; closing of business [\[EXHIBIT B-059\]](#)
- xxvii. 8.1 Seller or lessor agents [\[EXHIBIT B-061\]](#)
- xxviii. 8.2 Buyer or lessee agents [\[EXHIBIT B-063\]](#)
- xxix. 8.3 Dual agency [\[EXHIBIT B-065\]](#)
- xxx. 8.4 Failure to disclose agency relationship [\[EXHIBIT B-067\]](#)
- xxxi. 8.5 Fidelity and honest dealing [\[EXHIBIT B-069\]](#)
- xxxii. 9.1 Complaints [\[EXHIBIT B-071\]](#)
- xxxiii. 9.2 Answers [\[EXHIBIT B-073\]](#)
- xxxiv. 9.3 Investigation [\[EXHIBIT B-075\]](#)
- xxxv. 9.4 Disposition of complaints; appeals from dismissal [\[EXHIBIT B-077\]](#)
- xxxvi. 9.5 Hearings [\[EXHIBIT B-079\]](#)
- xxxvii. 9.6 Hearing procedure [\[EXHIBIT B-081\]](#)
- xxxviii. 9.7 Service [\[EXHIBIT B-083\]](#)

- xxxix. 9.8 Attorneys [\[EXHIBIT B-085\]](#)
- xl. 9.9 Alternate Disciplinary Procedures [\[EXHIBIT B-087\]](#)
- xli. 10.10 Agreements to be written [\[EXHIBIT B-089\]](#)
- xlii. 10.1 Dealing independently of principal broker [\[EXHIBIT B-091\]](#)
- xliii. 10.11 Self dealing [\[EXHIBIT B-093\]](#)
- xliv. 10.12 Offers and acceptances [\[EXHIBIT B-095\]](#)
- xlv. 10.13 Listing agreements; signs [\[EXHIBIT B-097\]](#)
- xlvi. 10.14 Reporting violations [\[EXHIBIT B-099\]](#)
- xlvii. 10.15 Broker's Price Opinion [\[EXHIBIT B-101\]](#)
- xlviii. 10.16 Criminal convictions and disciplinary actions [\[EXHIBIT B-103\]](#)
- xlix. 10.18 Property management definitions [\[EXHIBIT B-105\]](#)
- I. 10.19 Property management agreement [\[EXHIBIT B-107\]](#)
- li. 10.2 Expiration date for listing contract [\[EXHIBIT B-109\]](#)
- lii. 10.20 Tenant agreement [\[EXHIBIT B-111\]](#)
- liii. 10.21 Property management accounting and recordkeeping [\[EXHIBIT B-113\]](#)
- liv. 10.22 Property management owner ledgers [\[EXHIBIT B-115\]](#)
- lv. 10.23 Property management tenant ledgers [\[EXHIBIT B-117\]](#)
- lvi. 10.24 Property management cash receipts [\[EXHIBIT B-119\]](#)
- lvii. 10.4 Broker resp;exec brokers; part-time brokers [\[EXHIBIT B-121\]](#)
- lviii. 10.5 Advertising [\[EXHIBIT B-123\]](#)
- lix. 10.6 Knowledge of property [\[EXHIBIT B-125\]](#)
- lx. 10.7 Handling of funds; maintenance of records [\[EXHIBIT B-127\]](#)
- lxi. 10.8 Trust funds; trust accounts [\[EXHIBIT B-129\]](#)
- lxii. 10.9 Disbursement of trust funds [\[EXHIBIT B-131\]](#)
- lxiii. 11.1 Request for waiver or extension [\[EXHIBIT B-133\]](#)
- lxiv. 11.2 Continuing education topics [\[EXHIBIT B-135\]](#)
- lxv. 11.3 Approved courses and instructors [\[EXHIBIT B-137\]](#)
- lxvi. 11.4 No duplication of pre-licensing and continuing education credit [\[EXHIBIT B-139\]](#)
- lxvii. 11.5 Post-license education requirement [\[EXHIBIT B-141\]](#)
- lxviii. 12.1 Interest on trust account program [\[EXHIBIT B-143\]](#)
- lxix. 12.2 Certain interest bearing trust accounts approved [\[EXHIBIT B-145\]](#)
- lxx. 13.10 "Reasonable Time" defined [\[EXHIBIT B-147\]](#)
- lxxi. 13.1 Registration; renewal; fees [\[EXHIBIT B-149\]](#)
- lxxii. 13.11 Limitations [\[EXHIBIT B-151\]](#)
- lxxiii. 13.12 Reservation; deposit refundable [\[EXHIBIT B-153\]](#)

- lxxiv. 13.13 General regulations apply [\[EXHIBIT B-155\]](#)
  - lxxv. 13.2 Agents; amendment of registration [\[EXHIBIT B-157\]](#)
  - lxxvi. 13.3 Fictitious name [\[EXHIBIT B-159\]](#)
  - lxxvii. 13.4 Purch contract; cancellation notice; form; time, procedure [\[EXHIBIT B-161\]](#)
  - lxxviii. 13.5 Record maintenance [\[EXHIBIT B-163\]](#)
  - lxxix. 13.6 Records; developer and agent; type, time [\[EXHIBIT B-165\]](#)
  - lxxx. 13.7 Advertising materials [\[EXHIBIT B-167\]](#)
  - lxxxi. 13.8 Financial statements [\[EXHIBIT B-169\]](#)
  - lxxxii. 15.1 Definitions [\[EXHIBIT B-171\]](#)
  - lxxxiii. 15.2 Nature of auction [\[EXHIBIT B-173\]](#)
  - lxxxiv. 15.3 Auctioneer/Seller bidding or purchasing auctioned property [\[EXHIBIT B-175\]](#)
  - lxxxv. 15.4 Auction Advertisements [\[EXHIBIT B-177\]](#)
  - lxxxvi. 15.5 Internet auction sale procedure and absentee bids [\[EXHIBIT B-179\]](#)
  - lxxxvii. 15.6 Auctioneer to maintain records [\[EXHIBIT B-181\]](#)
  - lxxxviii. 15.7 Certain acts prohibited [\[EXHIBIT B-183\]](#)
  - lxxxix. 15.8 Unlicensed real estate activity [\[EXHIBIT B-185\]](#)
  - xc. 16.1 Instructor application; education; experience [\[EXHIBIT B-187\]](#)
  - xc. 16.10 Maintenance of records; school or association closing [\[EXHIBIT B-189\]](#)
  - xcii. 16.2 School application; association application [\[EXHIBIT B-191\]](#)
  - xciii. 16.3 Course approval requirements [\[EXHIBIT B-193\]](#)
  - xciv. 16.4 Renewals [\[EXHIBIT B-195\]](#)
  - xcv. 16.5 Monitoring [\[EXHIBIT B-197\]](#)
  - xcvi. 16.6 Third party sponsors [\[EXHIBIT B-199\]](#)
  - xcvii. 16.7 Distance education [\[EXHIBIT B-201\]](#)
  - xcviii. 16.8 Course requirements [\[EXHIBIT B-203\]](#)
  - xcix. 16.9 Felony reporting requirements [\[EXHIBIT B-205\]](#)
5. Arkansas State Board of Public Accountancy
- a) Rules the agency is requesting to repeal:
    - i. Rule 4 - Reciprocity [\[EXHIBIT B-207\]](#)
6. Capitol Zoning District Commission
- a) Rules the agency will not be repealing:
    - i. 1998 Ordinance, Rules, & Master Plan [\[EXHIBIT B-209\]](#)
    - ii. 1999 Commission Bylaws [\[EXHIBIT B-211\]](#)

7. Department of Arkansas State Police
  - a) Rules the agency is requesting to repeal:
    - i. Rules and Regulations Governing the Operations of Precious Metals Dealers [\[EXHIBIT B-213\]](#)
8. Department of Human Services - Office of Policy and Legal Services
  - a) Rules the agency is requesting to repeal:
    - i. Administrative DHS Policy 1090 Incident Reporting [\[EXHIBIT B-215\]](#)
9. Secretary of State
  - a) Rules the agency is requesting to repeal:
    - i. Rules for Electronic Notarial Acts in the State of Arkansas [\[EXHIBIT B-217\]](#)
10. State Board of Licensure for Professional Engineers and Professional Surveyors
  - a) Rules the agency will not be repealing:
    - i. Rules of the Board [\[EXHIBIT B-219\]](#)

C. Adjournment