

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

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**August 18, 2017**  
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**Co-Chairs:**

**The Administrative Rules and Regulations Subcommittee met on Tuesday, August 15, 2017 at 1:00 p.m. in Room A, MAC.**

- 1. The Subcommittee adopted the attached reports of the Executive Subcommittee concerning emergency rules.**
- 2. The Subcommittee reviewed and filed the quarterly report for the quarter ending June 30, 2017 issued pursuant to Sections 14 and 15 of Act 1258 of 2015 concerning Administrative Directives and Administrative Memoranda by the Department of Community Correction.**
- 3. The Subcommittee reviewed and approved the following rule that was deferred from the May 16, 2017 meeting of the Administrative Rules and Regulations Subcommittee:**

**APPRAISER LICENSING AND CERTIFICATION BOARD (Diana Piechocki)**

- a. Section XII – Fees and Payment of Fees**

- 4. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309 concerning third party rulemaking by the Department of Environmental Quality:**

**DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION  
(Basil Hicks, ADEQ; and Allen Gates, representing Third Parties)**

- a. Amendment to the Water Quality Standards; Third Party Rulemaking by Southwestern Electric Power Company**
- b. Amendment to the Water Quality Standards; Third Party Rulemaking by Fayetteville**

5. **The Subcommittee reviewed and approved the following rules that were also filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF ENVIRONMENTAL QUALITY, HAZARDOUS WASTE MANAGEMENT (Basil Hicks)**

- a. **Regulation No. 9: Fee Regulation**

**DEPARTMENT OF ENVIRONMENTAL QUALITY, ARKANSAS ENERGY OFFICE (Mitchell Simpson and Kay Joiner)**

- a. **Arkansas Weatherization Assistance Program State Plan July 1, 2017 – June 30, 2018**

**DEPARTMENT OF CAREER EDUCATION, ADULT EDUCATION (Dr. Charisse Childers and Trena Miles)**

- a. **Adult Education State Funding Formula**

**ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Kurt Naumann and Becky Reinhardt)**

- a. **Military Affairs Grant Program**

**ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE DIVISION (Kurt Naumann and Pat Brown)**

- a. **Minority Business Enterprise and Women-Owned Business Enterprise Certification Program**

**ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, SCIENCE AND TECHNOLOGY DIVISION (Kurt Naumann and Tom Sheldon)**

- a. **Arkansas Business and Technology Accelerator Grant Program**
- b. **Arkansas Small Business Innovation Research Matching Grant Program**
- c. **Nonprofit Incentive Act of 2005 Repeal**

**DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION (Robert Brech and Anna Hurst)**

- a. **Control of Sources of Ionizing Radiation**

**MILITARY DEPARTMENT (MAJ Harold Williams and LTC Jeffrey Wood)**

- a. **Arkansas National Guard Tuition Assistance Program NGAR Regulation 621-203**

- 6. **The following rule was not considered, and it will be rescheduled on the September 12, 2017 agenda of the Administrative Rules and Regulations Subcommittee:**

**DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS  
(Dave Mills)**

- a. **Medicaid Services Policy Manual Section A-210, B-500, and D-372**

- 7. **The following rule was deferred to the September 12, 2017 meeting of the Administrative Rules and Regulations Subcommittee:**

**REAL ESTATE COMMISSION (Gary Isom)**

- a. **Regulation 11.5: Post License Education Requirements**

- 8. **A presentation on dissolved minerals in third-party rulemaking filings with the Department of Environmental Quality Water Division was scheduled for this meeting, but this item will be placed on the September 12, 2017 agenda of the Administrative Rules and Regulations Subcommittee.**

**Respectfully submitted,**

**Senator David Sanders, Co-Chair**

**Representative Kim Hammer, Co-Chair**

# ARKANSAS LEGISLATIVE COUNCIL

Officers

**Senator Bill Sample**  
Senate Co-Chair

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

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

**Representative Jim Dotson**  
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

June 16, 2017

Senator David Sanders, Co-Chair  
Rules and Regulations Subcommittee

Representative Kim Hammer, Co-Chair  
Rules and Regulations Subcommittee

Dear Senator Sanders and Representative Hammer:

This letter is to notify you as the Co-Chairmen of the Administrative Rules and Regulations Subcommittee, that the Executive Subcommittee met on June 15, 2017 and that pursuant to Act 1258 of 2015 considered the following requests to immediately implement emergency rules:

- 1) Request by the Arkansas Energy Office within the Arkansas Department of Economic Development to immediately consider the emergency rule for the Arkansas Weatherization Assistance Program State Plan, July 1, 2017 through June 30, 2018;
- 2) Request by the Arkansas Department of Education to immediately consider the following:
  - a. ADE Rules Governing Professional Learning Communities;
  - b. ADE Special Education Procedural Requirements and Program Standards, Sec. 18.00 Residential Placement; and
- 3) Request by the Arkansas Department of Human Services to immediately consider the following:
  - a. Rehabilitative Services for Persons with Mental Illness (RSPMI) Moratorium Amendment 8;
  - b. 001-17 CPT and 002-17 HCPCs Notices of Rulemaking.

The proposed emergency rules were reviewed and approved and became effective upon adjournment of the Legislative Council meeting on June 16, 2017. A copy of each rule is attached for your information.

Handwritten signature of Senator Bill Sample.

Senator Bill Sample, Co-Chair  
Executive Subcommittee

Handwritten signature of Representative David L. Branscum.

Representative David L. Branscum, Co-Chair  
Executive Subcommittee

BS/DLB:vjf

Attachments

cc: Ms. Jessica Sutton, Administrator, Administrative Rules Review Section  
Ms. Donna K. Davis, Committee Staff, Administrative Rules and Regulations Subcommittee

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July 7, 2017

Senator David Sanders, Co-Chair  
Rules and Regulations Subcommittee

Representative Kim Hammer, Co-Chair  
Rules and Regulations Subcommittee

Dear Senator Sanders and Representative Hammer:

This letter is to notify you as the Co-Chairmen of the Administrative Rules and Regulations Subcommittee that pursuant to Act 1258 of 2015, the Executive Subcommittee met on July 5, 2017 to consider the request by the Arkansas State Plant Board to immediately implement an emergency rule regarding pesticide enforcement through the use of civil penalties. A copy of the rule is attached for your information. The proposed emergency rule was reviewed and approved and shall be effective at 12:01 a.m. on July 7, 2017.

The Executive Subcommittee referred the Arkansas State Plant Board emergency rule regarding a ban on the sale and use of Dicamba to the House and Senate Committees on Agriculture, Forestry, and Economic Affairs for their recommendations on the rule. A copy of the rule is attached for your information.

The Executive Subcommittee recessed the meeting on July 5, 2017 and reconvened on July 7, 2017 to consider the recommendations of the House and Senate Committees on Agriculture, Forestry, and Economic Affairs on the State Plant Board emergency rule regarding a ban on the sale and use of Dicamba. The Executive Subcommittee took no action on the rule and the meeting was adjourned. With no action being taken, the emergency rule may go into effect no earlier than 12:01 a.m., July 11, 2017.

Handwritten signature of Bill Sample in black ink.

Senator Bill Sample  
Senate Co-Chair  
Executive Subcommittee

Handwritten signature of David L. Branscum in black ink.

Representative David L. Branscum  
House Co-Chair  
Executive Subcommittee

BS/DLB:vjf

Attachment

cc: Ms. Jessica Sutton, Administrator, Administrative Rules Review Section  
Ms. Donna K. Davis, Committee Staff, Administrative Rules and Regulations Subcommittee

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July 20, 2017

Senator David Sanders, Co-Chair  
Rules and Regulations Subcommittee

Representative Kim Hammer, Co-Chair  
Rules and Regulations Subcommittee


Dear Senator Sanders and Representative Hammer:

This letter is to notify you as the Co-Chairmen of the Administrative Rules and Regulations Subcommittee that pursuant to Act 1258 of 2015, the Executive Subcommittee met on July 20, 2017 and reviewed and approved the following:

1. Arkansas State Board of Election Commissioners emergency rule on Poll Watchers, Vote Challenges, and Provisional Voting;
2. Arkansas State Board of Election Commissioners emergency rule on Verification of Voter Registration; and
3. Arkansas Department of Health emergency revisions to the rules and regulations for abortion facilities in Arkansas.

A copy of each rule is attached for your information. The review and approval of these emergency rules shall be effective at 12:01 a.m., July 22, 2017.

  
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Senator Bill Sample  
Senate Co-Chair  
Executive Subcommittee

  
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Representative David L. Branscum  
House Co-Chair  
Executive Subcommittee

BS/DLB:vjf

Attachment

cc: Ms. Jessica Sutton, Administrator, Administrative Rules Review Section  
Ms. Donna K. Davis, Committee Staff, Administrative Rules and Regulations Subcommittee