

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

October 20, 2017

Co-Chairs:

The Administrative Rules and Regulations Subcommittee met on Tuesday, October 17, 2017 at 1:00 p.m. in Room A, MAC.

- 1. The Subcommittee adopted the attached report of the Executive Subcommittee concerning emergency rules.**
- 2. The Subcommittee reviewed and approved the following rule that was deferred from the September 12, 2017 Administrative Rules and Regulations Subcommittee meeting:**

STATE MEDICAL BOARD (Kevin Odwyer)

- a. Regulation 40: Surgical Technologists**
- 3. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**ARKANSAS ECONOMIC DEVELOPMENT COMMISSION
(Kurt Naumann and Kenneth Burleson)**

- a. Partnership for Public Facilities and Infrastructure Act
Program Guidelines**

DEPARTMENT OF EDUCATION (Lori Freno and Cheryl Reinhart)

- a. Background Checks**
- b. Professional Learning Communities**

STATE BOARD OF ELECTION COMMISSIONERS (Daniel Shults)

- a. Verification of Voter Registration**

- b. Poll Watchers, Vote Challenges, and Provisional Voting**
- c. Procedure for Citizen Complaints Regarding Violations of State Election and Voter Registration Laws**

**DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS
(Lorie Williams and Mary Franklin)**

- a. Low Income Home Energy Assistance Program (HEAP) State Plan for FFY 2018**
- b. Community Services Block Grant State Plan for Fiscal Years 2018 and 2019**

**DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES
AND COUNTY OPERATIONS (Dave Mills and Mary Franklin)**

- a. DHS/DMS/DCO Proposed Lawfully Residing Alien Children under Age 21 and Pregnant Women Coverage Option**

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

- a. Section III 2-17 – Provider Billing Manual**
- b. Ambulatory Surgical Center (ASC) 1-17**
- c. Section 1 2-17, Section III 1-17, and Section V 3-17 – Electronic Funds Transfer**
- d. Notice of Rule Making 003-17 – Removal of Processing Hold on Paper Claims**

STATE BOARD OF OPTOMETRY (Kevin Odwyer)

- a. Chapter I, Article XIII; Licensure by Endorsement**

**DEPARTMENT OF PARKS AND TOURISM, STATE PARKS
DIVISION (Kane Webb and John Beneke)**

- a. Outdoor Recreation FUN Parks Grants Rule**
- b. Outdoor Recreation Matching Grants Rule**

**PUBLIC EMPLOYEES RETIREMENT SYSTEM (Gail Stone, Jay Wills,
and Jessica Middleton)**

- a. Employer Contribution Rates**
- b. Employer Reporting**
- c. Age of Members - How Established**
- d. DROP Provisions**
- e. Spouse's Acknowledgment of Benefit Selection**
- f. Termination of Covered Employment Required for Retirement**
- g. Recoupment of Overpayments**

**SECRETARY OF STATE, ELECTIONS DIVISION (Peyton
Murphy)**

- a. Rules on Verification of Voter Registration Cards**

**DEPARTMENT OF HIGHER EDUCATION, FINANCIAL AID
(Maria Markham and Tara Smith)**

- a. Arkansas Academic Challenge Scholarship**
- b. Arkansas Future Grant Program**

- 4. The following rules filed pursuant to Ark. Code Ann. § 10-3-309 were reviewed and approved with Representative Dotson dissenting on items g and s:**

**ARKANSAS RACING COMMISSION (Byron Freeland and John
Campbell)**

- a. Rule 1151 – Amendment Removing Exceptions for Graded Stakes Races as Obsolete**
- b. Rule 1217(D) – Multiple Medication Violations**
- c. Rule 1260(e) – Clarifies Existing Power of the Commission**

- d. Rule 2099.1(4) – Horses That Have Not Started a Race in Six Months to One Year and the Requirements for Workouts and Physical Examination**
- e. Rule 2104 – Applications for Licenses**
- f. Rule 2105 – Extends Licenses from One Year to up to Three Years**
- g. Rule 2110(a) – License Fees for Owners, Stable Names, Trainers, Etc. at Oaklawn Park**
- h. Rule 2154 – Stable Names**
- i. Rule 2163(a) – Protective Headgear for Jockeys and Riders**
- j. Rule 2163(b) – Safety Vests for Jockeys**
- k. Rule 2163 (c) – Requirements and Conditions for the Use of a Riding Crop**
- l. Rule 2176 – When the Jockey must be named for Each Race at Oaklawn**
- m. Rule 2212(c) – Disqualification of Horses Owned or Trained by the Same Person and Running in the Same Race**
- n. Rule 2222.1 – Entries in Races at Oaklawn Park**
- o. Rule 2262 – Horses Returning to Competition after Being Excused**
- p. Rule 2371 – Disqualification of a Coupled Entry**
- q. Rule 2426(a)(5) – Claiming of Horses at Oaklawn Park**
- r. Rule 2445 – Eligibility of Horses Claimed to Run in Lower Priced Claiming Races**
- s. Greyhound Rule 3098 – Increase in License Fees**

5. **After suspending the rules, the following rules filed pursuant to Ark. Code Ann. § 10-3-309 were reviewed and approved with Senator Sample, Senator Teague, and Representative Dotson dissenting:**

DEPARTMENT OF HIGHER EDUCATION (Maria Markham and Tara Smith)

- a. **Productivity Funding Policy – Colleges; Productivity Funding Model Policy – Universities; and Productivity Funding Distribution Policy**
6. **At the agency’s request, the following rule will be rescheduled on the November 14, 2017 Subcommittee agenda:**

WORKERS COMPENSATION COMMISSION (Barbara Webb and Mark McGuire)

- a. **Workers’ Compensation Drug Formulary**

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
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Marty Garrity
Executive Secretary

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September 6, 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:

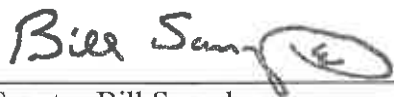
This letter is to notify you as the Co-Chairmen of the Administrative Rules and Regulations Subcommittee that pursuant to Act 1258 of 2015, the Executive Subcommittee met on September 6, 2017 and reviewed and approved the following:

- 1) An emergency rule on Guidelines for Reserving Volume Cap for Multi-Family Housing Bonds, submitted by the Arkansas Development Finance Authority;
- 2) An emergency APC&EC Regulation No. 36 on The Used Tire Recycling and Accountability Program, submitted by the Arkansas Department of Environmental Quality; and
- 3) The following emergency rules submitted by the Alcoholic Beverage Control Administration, Department of Finance and Administration:
 - a. Section 1.23 Publication of Notice That Application Has Been Made for Permit;
 - b. Section 1.26 Notice of Application to be Posted at Premises;
 - c. Section 1.27 Application for Transfer of Location of Premises;
 - d. Section 1.33(2) Premises Operated in Conjunction with Certain Other Businesses;
 - e. Section 1.34 Continuation of Permit Conditioned Upon Operation of Originally Proposed Business;
 - f. Section 2.28(4) Gifts and Services to Retailers Prohibited;
 - g. Section 2.53 Microbrewery-Restaurant and Separate Brewing Facility Application and Operations;
 - h. Section 2.66 Separate Brewing Facility – Application;
 - i. Section 2.67 Small Brewery Tap Room – Application;


- j. Section 3.17.3 Retailer Loyalty Programs;
- k. Section 5.15 Local Ordinance Required, Presumption That The Application is Qualified to be Received by Agency, Information Statements and Documents to be Furnished by Applicant; and
- l. Section 5.50 Hotel or Large Event Facility Private Club Permit for "Dry" Areas Only.

A copy of each rule is attached for your information. The review and approval of these emergency rules will be effective at 12:01 a.m. on Friday, September 8, 2017.

Respectfully,



Senator Bill Sample
Senate Co-Chair
Executive Subcommittee



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