

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

April 20, 2012

Co-Chairs:

The Subcommittee on Administrative Rules and Regulations met at 10:00 a.m. on Wednesday, April 18, 2012, in Room 171 of the State Capitol. The following committee members attended: Senator Percy Malone, Co-Chair; Representative James L. Word, Co-Chair; Senator Randy Lavery, Vice Co-Chair; and Representative Jonathan Barnett, Vice Co-Chair; Senators Jimmy Jeffress, Jack Crumbly and Johnny Key; Representatives Terry Rice, Toni Bradford, Tommy Lee Baker, Randy Stewart, Les "Skip" Carnine, Linda Tyler, and Kelley Linck. Other legislators attended as follows: Senators Jeremy Hutchinson, Mike Fletcher, Bill Sample, Jonathan Dismang and Steve Harrelson; Representatives Billy Gaskill, Buddy Lovell, Mike Patterson, Loy Mauch, Butch Wilkins, Lori Benedict, Uvalde Lindsey, Debra M. Hobbs, Jeff Wardlaw, Gary Deffenbaugh, Robert E. Dale, David L. Branscum, Sheilla Lampkin, Duncan Baird, Mary P. Hickerson, Betty Overbey, Karen Hopper, Thomas O. Wren II, James Ratliff, Stephanie Malone, and Leslee Post.

- 1. The subcommittee reviewed the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

STATE BOARD OF ACUPUNCTURE AND RELATED TECHNIQUES (Martin Eisele)

- a. Rules and Regulations

DEPARTMENT OF AGRICULTURE, STATE PLANT BOARD (Daryl Little)

- a. Pink Bollworm Regulations

DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION

- a. Regulation No. 5; Liquid Animal Waste Management Systems
- b. Regulation No. 6; State Administration of the National Pollutant Discharge Elimination System (NPDES)

**DEPARTMENT OF FINANCE AND ADMINISTRATION, REVENUE DIVISION
(John Theis)**

- a. Rule 2012-1; Standard Mileage Rate for Income Tax Purposes

**DEPARTMENT OF HEALTH, ENVIRONMENTAL HEALTH (Robert Brech and
Becky Binz on item a. and Robert Brech and Terry Paul on item b.)**

- a. Swimming Pools and Other Related Facilities
- b. Onsite Wastewater

**DEPARTMENT OF HEALTH, HEALTH SYSTEMS LICENSING AND
REGULATION (Robert Brech and Renee Mallory on items a. and b; Robert Brech
and Connie Melton on item c.)**

- a. Rules and Regulations for Cosmetology in Arkansas
- b. Rules and Regulations for Control of Sources of Ionizing Radiation
- c. Perfusionist Regulations

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES

- a. Rehabilitative Services for Persons with Mental Illness (RSPMI) Update No. 2-11

OIL AND GAS COMMISSION

- a. Rule B-11: Domestic Natural Gas Wells and Conversion of Permitted Oil and
Natural Gas Wells for Use as Domestic Natural Gas or Fresh Water Supply Wells

ARKANSAS TEACHER RETIREMENT SYSTEM (George Hopkins, Gail Bolden)

- a. Rules of Organization and Operation (Rule (0-1)
- b. Proof of Service Credit (Rule 7-2)
- c. Reporting Employee and Employer Contributions (Rule 7-4)
- d. Purchase of Service Credit/Repayment of Refunds (Rule 8-1)
- e. Refund of Member Contributions (Rule 8-2)
- f. Repayment of Refunded Member Contributions (Rule 8-3)
- g. Purchase Payment Rules (Rule 8-5)

- h. Cancellation of Purchase Service Accounts (Rule 8-6)
- i. Free Teaching Service before 1937 (Rule 8-8)
- j. Disability Retirement (Rule 9-4)
- k. Annuity Option and Disposition of Residue after Retirement (Rule 9-7)
- l. Teacher Deferred Retirement Option Plan (T-DROP) (Rule 10-3)

2. The Subcommittee referred the following rules to the Senate Interim Committee on Education and the House Interim Committee on Education:

DEPARTMENT OF EDUCATION (Mark White, Jeremy Lasiter)

- a. Rules Governing the Non-Traditional Licensure Program
- b. Rules Governing Teacher Licensure by Reciprocity

3. The subcommittee deferred the following rule to a future meeting after an expedited Attorney General Opinion is obtained regarding the constitutionality of denying indigent inmates access to the electronic monitoring program.

DEPARTMENT OF COMMUNITY CORRECTION (Veter Howard, Dan Roberts, and Benny Magness)

- a. Electronic Monitoring after 120 Days Served

4. There was a brief discussion concerning whether a subcommittee is needed to consider legislation concerning administrative rules. Subcommittee members who have such an interest in serving should notify the staff.

Respectfully submitted,

Senator Percy Malone, Co-Chair

Representative James Word, Co-Chair