

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

---

**October 16, 2009**

---

Mr. Co-Chairmen:

The Committee on Administrative Rules and Regulations met at 9:00 a.m. on Wednesday, October 14, 2009, in Room 151 of the State Capitol. The following committee members attended: Senator Percy Malone, Co-Chair and Representative Mike Burris Co-Chair; Senators Terry Smith, Steve Bryles, Kim Hendren, Randy Lavery, Paul Bookout, Cecile Bledsoe, and Steve Faris; Representatives George Overbey, Jr., Stephanie Flowers, Monty Davenport, Bill Sample, Ray Kidd, John Paul Wells, Johnnie Roebuck, and Nathan George. Other legislators attended as follows: Senators Ed Wilkinson, David Wyatt, and Bill Pritchard; and Representatives Mike Patterson, Clark Hall, Larry Cowling, Billy Gaskill, Otis Davis, Steve Cole, Jane English, Tracy Pennartz, Buddy Lovell, Bill Abernathy, Rick Green, Jody Dickinson, R.D. Saunders, Andrea Lea, Tommy Baker, and Walls McCrary.

**1. The Committee completed its review of the following rules filed pursuant to A.C.A. § 10-3-309:**

STATE BANK DEPARTMENT (Brent Taylor)

- a. Charter Amendment Application for Change of Bank Corporate Name
- b. Reservation of Bank Corporate Name
- c. Bank Fictitious Names
- d. Transfers Affecting Change in Control

DEPARTMENT OF CAREER EDUCATION, REHABILITATION SERVICES  
DIVISION (Robert Trevino)

- a. Annual State Plan 2010

DEPARTMENT OF EDUCATION (Tripp Walter, Dr. Tom Kimbrell)

- a. Gifted and Talented Program Approval Standards
- b. Lifetime Teaching License

- c. Teacher Licensing by Reciprocity
- d. Addition of Areas of Licensure or Endorsement

DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION  
(Teresa Marks, ADEQ; Ray Cox representing Central Arkansas Water; and  
Martin Maynard, Central Arkansas Water)

- a. Regulation #6, Regulations for State Administration of the National Pollutant Discharge Elimination Systems (NPDES); Third Party Rulemaking; Prohibit surface discharge of wastewater into the Lake Maumelle Basin with the exception of discharges permitted under the NPDES stormwater discharge program

ARKANSAS ETHICS COMMISSION (Graham Sloan)

- a. Rules on Ballot and Legislative Question Committees
- b. Rules on Campaign Finance and Disclosure
- c. Rules on Independent Expenditures
- d. Rules on Lobbyist Registration and Reporting
- e. Rules on Political Committees
- f. Rules on Practice and Procedure

DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION,  
ZOONOTIC SECTION (Mary Leath, Dr. Susan Weinstein, DVM)

- a. Rabies Control

DEPARTMENT OF HEALTH, RADIATION CONTROL (Bernard Bevill)

- a. Control of Sources of Ionizing Radiation

HEALTH SERVICES PERMIT AGENCY (Eric Tedford)

- a. POA Application Fee Increase
- b. Section III. Scope of Review

DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS  
(Lorie Williams; Connie Parker, Aging & Adult Services)

- a. Medical Services Policy 26100-26185; Changes in the Alternatives for Adults with Physical Disabilities Waiver (AAPD)

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Jeffrey Wood, Rosemary Edgin, Carol Shockley, Randy Helms)

- a. Alternatives for Adults with Physical Disabilities Update #85
- b. DDS Alternative Community Services Waiver #105
- c. DDSACS Waiver Update #118
- d. Targeted Case Management Update #105
- e. Hospital, Critical Access Hospital (CAH) and End-Stage Renal Disease (ESRD) Update No. 161 and Physician/Independent Lab/CRNA/Radiation Therapy Center Update No. 174
- f. Arkansas Medicaid State Plan Amendment #2009-014; Long Term Home Style Facility Reimbursement
- g. Official Notice DMS-2009-J-1; Procedure Code J1642
- h. Physicians Update #178 and Hospital Update #165
- i. Prosthetics Update #133

INSURANCE DEPARTMENT (Amanda Rose)

- a. Rules 25; Annual Financial Reporting

DEPARTMENT OF LABOR, STATE BOARD OF ELECTRICAL EXAMINERS (Daniel Faulkner)

- a. 010.13 Specialist Sign Electrician Licensing Emergency Rule

ARKANSAS MOTOR VEHICLE COMMISSION (Greg Kirkpatrick)

- a. Rule 4; Facility Requirements
- b. Rule 5; Limitation on Sales of New Motor Vehicles

OIL AND GAS COMMISSION (Lawrence Bengal, Maurice Rigsby, Shane Khoury)

- a. Rule A-2; General Hearing Procedures
- b. Rule A-5; Enforcement Rules

- c. Rule D-14; Gas Assessment
- d. Rule D-17; Regulation of Natural Gas Pipelines
- e. Rule E-3; Exploration and Production Fluid Gathering, Handling, and Transportation
- f. Rule H-2; Well construction, Operating and Reporting Requirements for Class I Disposal Wells
- g. Rule H-3; Well Construction, Operating and Reporting Requirements for Class II Commercial Disposal Wells

ARKANSAS SECURITIES DEPARTMENT (Heath Abshire)

- a. Proposed Rules of the Arkansas Securities Commissioner

DEPARTMENT OF WORKFORCE SERVICES (Derwin Taylor, Elroy Willoughby)

- a. Amendment to TEA State Plan Arkansas Title IV-A, TEA and Work Pays Policy Sections 3000-10900

ARKANSAS WORKFORCE INVESTMENT BOARD (Rob Marek)

- a. Workforce Investment Act/Wagner-Peyser Act State Plan Modification and the State Workforce Investment Act Waiver Plan

2. **Several committee members expressed their frustration with many rules on the agenda being in effect at the time of the committee hearing. Since the legislature is responsible for passing legislation, legislators feel they are still responsible to the people for the rules that are made that implement the resulting laws. The committee requested the staff to draft a letter to send to agencies to request them not to place their rules into effect prior to committee review unless it is an emergency situation. The draft of the letter will be reviewed by the committee at its next meeting.**
3. **On the Department of Health's rule pertaining to rabies control, the committee reviewed the rule. Act 159 of 2009 amended the Rabies Control Act to require all dogs and cats to be vaccinated against rabies "annually or as required by the State Board of Health." Senator Bledsoe indicated that she will introduce legislation at the 2011 regular session to remove the word "annually" and replace it with "whatever is best for the animal."**

4. **The committee heard testimony from Mr. Dusty Hampton, a Pope County Justice of the Peace, who expressed concern over the Oil and Gas Commission's amendment to their hearing procedures on amending the hearing application 10 days prior to the commission hearing. If a substantive amendment is made on the hearing applications, it must be made 10 days prior to the commission hearing or it will be moved to the next commission agenda. Mr. Hampton was concerned with disposal well hearings. Mr. Bengal, Director of the Oil and Gas Commission, pledged to work with Mr. Hampton on his concerns. All Oil and Gas Commission rules were reviewed.**

Respectfully submitted,

*Senator Percy Malone*

Senator Percy Malone

*Representative Mike Burris*

Representative Mike Burris