

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

September 28, 2012

Co-Chairs:

The Subcommittee on Administrative Rules and Regulations met at 10:00 a.m. on Thursday, July 26, 2012, in Room 151 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; Representative Jonathan Barnett, Vice Co-Chair; Senators Mary Anne Salmon, Jack Crumbly, Kim Hendren, Jimmy Jeffress, and Johnny Key; Representatives Terry Rice, Kelley Linck, Johnnie Roebuck, and Linda Tyler. Other legislators attended as follows: Senator Jason Rapert; Representatives David Branscum, Jody Dickinson, Efre Elliott, Sheilla Lampkin, Loy Mauch, Tommy Thompson, David Meeks, Henry "Hank" Wilkins IV, Ann Clemmer, and Betty Overbey.

1. **At its July 13, 2012 meeting, the Administrative Rules and Regulations Subcommittee referred the Public Charter School and the Teacher Excellence and Support System rules to the interim Senate Committee on Education and the House Committee on Education. The interim committees met and Senator Jeffress made the committees' report (attached). The Subcommittee adopted the report and reviewed the following two rules:**

DEPARTMENT OF EDUCATION (Jeremy Lasiter, Mark White)

- a. Public Charter Schools
- b. Teacher Excellence and Support System

Respectfully submitted,

Senator Percy Malone, Co-Chair

Representative James Word, Co-Chair

August 21, 2012 Meeting

The Subcommittee on Administrative Rules and Regulations met at 10:00 a.m. on Tuesday, August 21, 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 Laverty, Vice Co-Chair; Senators Mary Anne Salmon, Jack Crumbly, Kim Hendren, Jimmy Jeffress, David Johnson, Johnny Key, and Michael Lamoureux; Representatives Terry Rice, Tommy Lee Baker, Toni Bradford, Les "Skip" Carnine, Linda Tyler, Kelley Linck, Johnnie Roebuck, and Randy Stewart. Other legislators attended as follows: Senators Paul Bookout, Mike Fletcher, Gene Jeffress, Jonathan Dismang, Bill Sample, Larry Teague, Gilbert Baker, and Linda Chesterfield; Representatives Duncan Baird, John Burris, John Catlett, Robert Dale, Jody Dickinson, Efreem Elliott, Billy Gaskill, Jeremy Gillam, Justin Harris, Andrea Lea, Uvalde Lindsey, Buddy Lovell, Loy Mauch, Mike Patterson, Tommy Thompson, Tommy Wren, and David Meeks.

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

DEPARTMENT OF CORRECTION (Bobby G. Smith, Wade Hodge)

- a. **AR 400; Security**
- b. **AR 831; Disciplinary Rules and Regulations**

DEPARTMENT OF ENVIRONMENTAL QUALITY, MINING DIVISION (Teresa Marks)

- a. **The Arkansas Open-Cut Land Reclamation Code**

ASSESSMENT COORDINATION DEPARTMENT (Faye Tate Hansburg, John Nichols)

- a. **Rule 1.06; Assessment Coordination Department Best Practices Advisory Group**
- b. **Rule 3.15.3; Review Reappraisal Program Using Single Appraisers**
- c. **Rule 3.15.4; Review Reappraisal Program Using Data Gatherers and Review Appraisers**

DEPARTMENT OF EDUCATION (Jeremy Lasiter, Mark White)

- a. **Consolidation and Annexation of School Districts and Repeals**
- b. **Closure of Isolated Schools**

**ARKANSAS BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS
AND PROFESSIONAL SURVEYORS (Steve Haralson)**

- a. Rules of the Board**

**DEPARTMENT OF HEALTH, PHARMACY SERVICES AND DRUG CONTROL
(Robert Brech)**

- a. List of Controlled Substances**

DEPARTMENT OF HEALTH, TUBERCULOSIS SECTION (Robert Brech)

- a. Communicable Disease – Tuberculosis**

**DEPARTMENT OF HUMAN SERVICES, AGING AND ADULT SERVICES
(Charles Thompson, Beverly Dunlap)**

- a. Policy 226; Health Promotion, Wellness, and Disease Prevention**

**DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY
SERVICES (Cecile Blucker)**

- a. Removal of TB Test Requirement for Foster and Adoptive Homes**
- b. Revision to CPR and First Aid Requirements for Foster Parents**
- c. Requirement for Foster Parent Applicants Who Rent**

**DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS (Thomas
Green, item a.; Lorie Williams and Marilyn Strickland, item b.)**

- a. Low-Income Home Energy Assistance Program (HEAP) State Plan for FFY
2013**
- b. Form DCO-9700, TEFRA and Autism Waiver Application for Assistance;
Medical Services Policy 26400 through 26450, Autism Waiver**

**DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Marilyn
Strickland)**

- a. Autism Waiver; Autism New Manual-12; SecI-1-12 and SecV-2-12**
- b. Living Choices Assisted Living (LCAL) 1915(c) HCBS Waiver Slot Increase**
- c. Section V-4-12 (Form AAS 9559)**

- d. **State Plan Amendment #2012-002 and Personal Care 4-11**
- e. **Pharmacy 3-12**
- f. **Health Insurance Premium Payment (HIPP)**

ARKANSAS INSURANCE DEPARTMENT (Booth Rand, Cynthia Crone, Bob Alexander)

- a. **Rule 103; Essential Health Benefits Benchmark**

- 2. **The following two rules were deferred to the September 18, 2012 meeting of the Administrative Rules and Regulations Subcommittee:**

ASSESSMENT COORDINATION DEPARTMENT (Faye Tate Hansburg, John Nichols)

- a. **Rule 1.03; Description of Organization**

OIL AND GAS COMMISSION

- a. **Rule B-1; Application to Drill a Production Well**

- 3. **The following rules were referred to the Senate Interim Committee on State Agencies and Governmental Affairs and the House Interim Committee on State Agencies and Governmental Affairs with a request that the committees report back to the subcommittee:**

ASSESSMENT COORDINATION DEPARTMENT (Faye Tate Hansburg, John Nichols)

- a. **Rule 3.12; Appraisal Manager to be Named in Reappraisal Plan**
- b. **Rule 3.20; Progress Reports from Appraisal Manager in ACD**
- c. **Rule 3.22; Direct Deposits**
- d. **Rule 3.30; Minimum Acceptable Standards for Performance Audits**
- e. **Rule 3.36; Required Reports**
- f. **Rule 3.38; Bid Specs for Contracted Reappraisals**
- g. **Rule 3.39; Bids Required for Contracted Reappraisals**

September 18, 2012 Meeting

The Subcommittee on Administrative Rules and Regulations met at 10:00 a.m. on Tuesday, September 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 Laverty, Vice Co-Chair; Senators Mary Anne Salmon, Jack Crumbly, Kim Hendren, Jimmy Jeffress, and Johnny Key; Representatives Terry Rice, Toni Bradford, Les “Skip” Carnine, Johnnie Roebuck, and Randy Stewart. Other legislators attended as follows: Senators Paul Bookout, Bill Pritchard, Joyce Elliott, and Bill Sample; Representatives Fred Allen, John Burris, Linda Collins-Smith, Robert Dale, Jody Dickinson, Billy Gaskill, Justin Harris, Buddy Lovell, Loy Mauch, Betty Overbey, Mike Patterson, Garry Smith, and Jeff Wardlaw.

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

DEPARTMENT OF CAREER EDUCATION, ARKANSAS REHABILITATION SERVICES (Robert Trevino, Randy Parker)

- a. **Annual State Plan 2013 for the Vocational Rehabilitation and Supported Employment Services Program**

DEPARTMENT OF EDUCATION (Jeremy Lasiter, Mark White)

- a. **Teacher Excellence and Support System**
- b. **Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program**
- c. **Public School Student Services**
- d. **Technology Training Centers in Education Service Cooperatives**
- e. **District Conversion or Limited Public Charter School New Application**
- f. **Open Enrollment Public Charter School New Application**

DEPARTMENT OF HEALTH, ENVIRONMENTAL HEALTH (Robert Brech)

- a. **Good Manufacturing Practices**

DEPARTMENT OF HEALTH, PHARMACY SERVICES AND DRUG CONTROL

- a. **List of Controlled Substances (5-MeO DALT)**

DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY SERVICES (Christin Harper, Linda Williams)

- a. Establishment of Differential Response Program**

DEPARTMENT OF HUMAN SERVICES, FINANCE AND ADMINISTRATION (Jeff Wood)

- a. Social Services Block Grant Pre-Expenditure Report Amendment #1 for State Fiscal Year July 1, 2011 – June 30, 2012**

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (John Selig)

- a. State Plan Amendment #2012-011 and Targeted Case Management (TCM) Update 2-12**

DEPARTMENT OF WORKFORCE SERVICES (Derwin Taylor)

- a. Amendment to TEA Policy Manual and Work Verification Plan**

- 2. Upon the agency's request, the following two rules were withdrawn:**

ASSESSMENT COORDINATION DEPARTMENT (John Nichols)

- a. Rule 1.03; Description of Organization**

OIL AND GAS COMMISSION (Lawrence Bengal)

- a. Rule B-1; Application to Drill a Production Well**

- 3. The following rules were deferred until a later date:**

DEPARTMENT OF CAREER EDUCATION, ADULT EDUCATION DIVISION (James H. Smith, Dr. Trenia Miles)

- a. Permanent Proposed Funding Rule 2012-2013**
- b. Permanent Proposed Rule for Adult Education Funding Formula Effective July 1, 2013**

4. **The Report of the Senate Interim Committee on State Agencies and Governmental Affairs and the House Interim Committee on State Agencies and Governmental Affairs (attached) was adopted concerning the Assessment Coordination Department rules that were referred to the committees on August 21, 2012. However, the rules considered in this report will be placed on the next Administrative Rules and Regulations agenda as follows:**

ASSESSMENT COORDINATION DEPARTMENT (John Nichols)

- a. **Rule 3.12; Appraisal Manager to be Named in Reappraisal Plan**
- b. **Rule 3.20; Progress Reports from Appraisal Manager in ACD**
- c. **Rule 3.22; Direct Deposits**
- d. **Rule 3.30; Minimum Acceptable Standards for Performance Audits**
- e. **Rule 3.36; Required Reports**
- f. **Rule 3.38; Bid Specs for Contracted Reappraisals**
- g. **Rule 3.39; Bids Required for Contracted Reappraisals**
- h. **Rule 3.42; Reappraisal Budgets Required**
- i. **Rule 4.08.2; Definitions Relating to Amendment 79**
- j. **Rule 4.29; Change in Market Value Between Reappraisals**

5. **The Report of the House Interim Committee on Education and the Senate Interim Committee on Education (attached) concerning the Arkansas Better Chance Program rule, referred to the committees on August 21, 2012, was considered. The following rule was reviewed by the subcommittee:**

DEPARTMENT OF EDUCATION (Jeremy Lasiter, Mark White)

- a. **Arkansas Better Chance Program**

6. **The following rule was considered in the House Interim Committee on Public Health, Welfare and Labor and the Senate Interim Committee on Public Health, Welfare and Labor, but since the committees have requested additional information, the rule will be further considered in these committees at a later date:**

DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY SERVICES (Christin Harper)

- a. **Revisions for Foster/Adoptive Parent Application**

Respectfully submitted,

Senator Percy Malone, Co-Chair

Representative James Word, Co-Chair

ARKANSAS GENERAL ASSEMBLY
HOUSE INTERIM COMMITTEE ON EDUCATION
and
SENATE INTERIM COMMITTEE ON EDUCATION

Senator Jimmy Jeffress
Senate Chair

Representative Eddie Cheatham
House Chair

REPORT
of the
Joint Meeting of the
Senate Interim Committee on Education and
House Interim Committee on Education
to the
Administrative Rules and Regulations Subcommittee
of the Arkansas Legislative Council

July 26, 2012

Senator Percy Malone, Senate Chair
Representative James Word, House Chair
Administrative Rules and Regulations Subcommittee
Arkansas Legislative Council

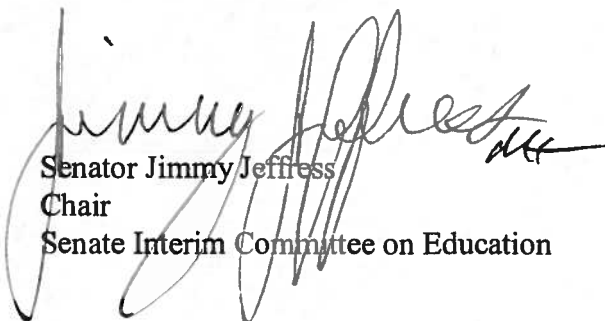
Chairman Malone and Chairman Word:


At a joint meeting on July 23, 2012, the Senate Interim Committee on Education and the House Interim Committee on Education heard presentations by the Arkansas Department of Education (ADE) concerning the following proposed ADE rules:

- Rules Governing Public Charter Schools
- Rules Governing Teacher Excellence and Support System (TESS)

Following examination of the proposed rules, testimony from representatives of the Arkansas Department of Education, and discussion by the Committees, this is to advise that the Committees have reviewed the rules.

Respectfully submitted,


Senator Jimmy Jeffress
Chair
Senate Interim Committee on Education


Representative Eddie Cheatham
Chair
House Interim Committee on Education

ARKANSAS GENERAL ASSEMBLY

Senator Sue Madison
Senate Chair



Representative Clark Hall
House Chair

SENATE AND HOUSE INTERIM COMMITTEES ON STATE AGENCIES AND GOVERNMENTAL AFFAIRS

REPORT of the Joint Meeting of the Senate and House Interim Committees on State Agencies and Governmental Affairs to the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council

September 18, 2012

Senator Percy Malone, Senate Chair
Representative James Word, House Chair
Administrative Rules and Regulations Subcommittee
Arkansas Legislative Council


Chairman Malone and Chairman Word:

At a joint meeting on August 30, 2012, the Senate Interim Committee on State Agencies and Governmental Affairs and the House Interim Committee on State Agencies and Governmental Affairs heard presentations by the Assessment Coordination Department (ACD) concerning the following proposed ACD rules:

- Rule 3.12; Appraisal Manager to be Named in Reappraisal Plan
- Rule 3.20; Progress Reports from Appraisal Manager in ACD
- Rule 3.22; Direct Deposits
- Rule 3.30; Minimum Acceptable Standards for Performance Audits
- Rule 3.36; Required Reports
- Rule 3.38; Bid Specs for Contracted Reappraisals
- Rule 3.39; Bids Required for Contracted Reappraisals
- Rule 3.42; Reappraisal Budgets Required
- Rule 4.08.2; Definitions Relating to Amendment 79
- Rule 4.29; Change in Market Value between Reappraisals

Following examination of the proposed rules, testimony from representatives of the Assessment Coordination Department, and discussion by the Committees, this is to advise that the Committees have reviewed the rules.

Respectfully submitted,

Clark Hall 

Representative Clark Hall, Chair
House Interim Committee on State Agencies
and Governmental Affairs

ARKANSAS GENERAL ASSEMBLY
HOUSE INTERIM COMMITTEE ON EDUCATION
and
SENATE INTERIM COMMITTEE ON EDUCATION

Senator Jimmy Jeffress
Senate Chair

Representative Eddie Cheatham
House Chair

REPORT
of the
Joint Meeting of the
Senate Interim Committee on Education and
House Interim Committee on Education
to the
Administrative Rules and Regulations Subcommittee
of the Arkansas Legislative Council

September 18, 2012

Senator Percy Malone, Senate Chair
Representative James Word, House Chair
Administrative Rules and Regulations Subcommittee
Arkansas Legislative Council


Chairman Malone and Chairman Word:

At a joint meeting on September 17, 2012, the Senate Interim Committee on Education and the House Interim Committee on Education heard a presentation by the Arkansas Department of Education (ADE) concerning the proposed ADE Rule Governing the Arkansas Better Chance (ABC) Program.

Following examination of the proposed rule, discussion by the Committees, and testimony from representatives of the Arkansas Department of Education (ADE), the Arkansas Department of Human Services (DHS), and the public, this is to advise that the Committees took no action regarding the rule.

Respectfully submitted,


Senator Jimmy Jeffress
Chair
Senate Interim Committee on Education


Representative Johnnie Roebuck
Vice-Chair
House Interim Committee on Education