

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

May 16, 2014

Co-Chairs:

The Subcommittee on Administrative Rules and Regulations met at 9:00 a.m. on Wednesday, May 7, 2014, in Room 171 of the State Capitol. The following committee members attended: Senator Johnny Key, Co-Chair; Representative Kelley Linck, Co-Chair; Senators Ronald Caldwell, Jonathan Dismang, Bobby J. Pierce, Uvalde Lindsey, and Bruce Maloch; Representatives James L. Word, Lane Jean, Joe Jett, and Butch Wilkins. Other legislators attended as follows: Senators Joyce Elliott, Jane English, and Jimmy Hickey; Representatives Walls McCrary, Henry “Hank” Wilkins IV, Scott Baltz, Mary Broadaway, Bruce Cozart, Dan M. Douglas, Jeremy Gillam, Karen S. Hopper, Sheilla Lampkin, Mark Elroy, Betty Overbey, Mary L. Slinkard, and Wes Wagner.

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

DEPARTMENT OF EDUCATION (Lori Freno, items a and b; Valerie Bailey, item c; and Cheryl Reinhart, items d, e, and f)

- a. Digital Learning Act of 2013
- b. School Worker Defense Program and the School Worker Defense Program Advisory Board
- c. School of Innovation
- d. Code of Ethics for Arkansas Educators
- e. Nontraditional Licensure Programs
- f. Master Principal Program

**DEPARTMENT OF ENVIRONMENTAL QUALITY, REGULATED
STORAGE TANKS DIVISION (Teresa Marks, Joe Hoover)**

- a. Regulation Number 12; Storage Tanks

**DEPARTMENT OF ENVIRONMENTAL QUALITY, SOLID WASTE
DIVISION (Teresa Marks)**

- a. Regulation 11; Solid Waste Management Fees, Funds, and Grants**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF
PERSONNEL MANAGEMENT (Kay Terry, Jennifer Elkins)**

- a. State Employee Dispute Resolution Appeal Rules and Procedures**

**DEPARTMENT OF HEALTH, CENTER FOR PUBLIC HEALTH PRACTICE
(Robert Brech)**

- a. Administration of Vital Records**

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

- a. Team Decision Making**

**DEPARTMENT OF HUMAN SERVICES, DEVELOPMENTAL
DISABILITIES SERVICES (Shelley Lee)**

- a. Standards for Conducting Criminal Record Checks for Employees of
Developmental Disabilities Services Providers and Repeal**

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

- a. State Plan Amendment #2013-024 and Prosthetics 5-13**

**DEPARTMENT OF HUMAN SERVICES, OFFICE OF POLICY AND LEGAL
SERVICES (Mark White)**

- a. DHS Policy 1009; Equal Opportunity Policy**

OIL AND GAS COMMISSION (Lawrence Bengal)

- a. Rule B-43; Establishment of Drilling Units for Gas Production from
Conventional and Unconventional Sources of Supply Occurring in Certain
Prospective Areas not Covered by Field Rules**
- b. Rule B-44; Establishment of Drilling Units for Gas Production from all
Sources of Supply Occurring in Certain Producing Areas in Franklin,
Logan, Scott, Sebastian, and Yell Counties**

- c. **Rule B-45; Establishment of Well Set-Back Requirements for Dry Gas Production Wells Occurring in Established Fields in Crawford, Franklin, Johnson, Logan, Madison, Pope, Scott, Yell, Sebastian, and Washington Counties**
- d. **Rule D-16; Back Pressure Tests Procedures for Dry Natural Gas Production Wells**
- e. **Rule D-21; Procedures for Determining the Production Allowable for Dry Natural Gas Production Wells**

STATE BOARD OF PHARMACY (John Kirtley)

- a. **Regulation 1; General Operations**
- b. **Regulation 2; Pharmacists**
- c. **Regulation 4; Pharmacy**
- d. **Regulation 5; Long Term Care Facilities**
- e. **Regulation 7; Drug Products/Prescriptions**

STATE PLANT BOARD, BUREAU OF STANDARDS (Tom Pugh)

- a. **Arkansas Weights and Measures Regulations and Fuel and Lubricants Regulations**

ARKANSAS PUBLIC EMPLOYEE RETIREMENT SYSTEM (Jay Wills)

- a. **Computation of Benefits for Members with Concurrent Service in APERS; Reg. 204**

SECRETARY OF STATE, ELECTIONS DIVISION (Martha Adcock)

- a. **Rules on Vote Centers**

ARKANSAS WATERWAYS COMMISSION (Katherine McManners)

- a. **Arkansas Port, Intermodal and Waterways Development Grant**

DEPARTMENT OF WORKFORCE SERVICES (Derwin Taylor)

- a. **Amended TANF State Plan Section 19; Electronic Benefits Transfer (EBT) Transaction Steps**

- b. Amended TANF State Plan Section 8; Parental Responsibilities**
- 2. The Subcommittee referred the following rule to the Senate and House Interim Committees on Education:**

DEPARTMENT OF EDUCATION (Cheryl Reinhart)

- a. Educator Licensure Programs Offered by Institutions of Higher Education in Arkansas**
- 3. The Subcommittee referred the following rule to the Senate and House Interim Committees on Public Health, Welfare and Labor:**

DEPARTMENT OF LABOR, LABOR STANDARDS DIVISION (Denise Oxley)

- a. Rule 010.14-500; Prohibiting Employer from Requiring Access to Employee Social Media Account**

Respectfully submitted,

Senator Johnny Key, Co-Chair

Representative Kelley Linck, Co-Chair