

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

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**DECEMBER 18, 2009**

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Mr. Co-Chairmen:

The Subcommittee on Administrative Rules and Regulations met at 9:00 a.m. on Tuesday, December 15, 2009 in Room 151 of the State Capitol. The following committee members attended: Co-Chairs Senator Percy Malone and Representative Mike Burris; Vice Co-Chairs Senator John Paul Capps and Representative George Overbey, Jr.; Senators Steve Bryles, Kim Hendren, Randy Lavery and Cecile Bledsoe; Representatives Monty Davenport, Bill Sample, Ray Kidd, John Paul Wells, Johnnie Roebuck and Nathan George. Other legislators attended as follows: Senator David Wyatt; Representatives Willie Hardy, Johnny Hoyt, Billy Gaskill, Buddy Lovell, Jody Dickinson, Bill Abernathy, Rick Saunders, Mark Martin, Mike Patterson, Mary Slinkard, Jonathan Barnett, Jane English, Randy Stewart, Eddie Cooper and Richard Carroll.

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

**ARKANSAS APPRAISER LICENSING AND CERTIFICATION  
BOARD (Jim Martin)**

- a. Revisions to Rules and Regulations

**DEPARTMENT OF CAREER EDUCATION, ARKANSAS  
REHABILITATION SERVICES DIVISION (Robert Trevino, Michael  
Vickers, Randy Parker)**

- a. Forgiveness of Student Loan Program

**ARKANSAS DEVELOPMENT FINANCE AUTHORITY (Layne Anderson,  
Sara Braswell)**

- a. 2010 HOME Program Policy and Operations Manual

**DEPARTMENT OF EDUCATION (Tripp Walter, Jeremy Lasiter, Alice Barnes Rose)**

- a. Incentives for Teacher Recruitment and Retention in High Priority Districts
- b. Standards for Accreditation

**DEPARTMENT OF FINANCE AND ADMINISTRATION,  
ALCOHOLIC BEVERAGE CONTROL (Michael Langley, Milton Leuken)**

- a. Revisions to Rules

**DEPARTMENT OF ARKANSAS HERITAGE (Randy Dennis, Marynell Branch, Trey Berry)**

- a. Grant Regulations and Application Procedures

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

- a. Prosthetics Update #135
- b. Official Notice DMS-2009-A-2, DMS-2009-O-1, DMS-2009-II-2, DMS-2009-L-2, DMS-2009-KK-1, DMS-2009-Q-1, DMS-2009-R-2, DMS-2009-OO-1; Medicaid Coverage of H1N1 Vaccine Administration
- c. Prosthetics Update #146 and Hyperalimentation Update #135
- d. Generic Sections I and V

**NATURAL RESOURCES COMMISSION (Randy Young, Crystal Phelps)**

- a. Title 20; Nutrient Management Planner Certification Program
- b. Title 22; Nutrient and Poultry Litter Application and Management Program

**DEPARTMENT OF PARKS AND TOURISM, ARKANSAS HISTORY COMMISSION (Wendy Richter, Carla Coleman, Marian Butler)**

- a. Revisions to Arkansas History Commission Rules
- b. Black History Commission on Curtis H. Sykes Memorial Grant Program

**STATE BOARD OF PRIVATE CAREER EDUCATION (Sarah Hill)**

- a. Amendments to Rules

**STATE BOARD OF PUBLIC ACCOUNTANCY (John Peace, Tom Ed Simmons, Leveta Ray)**

- a. Emergency Amendments to Rules 6, 7, 10, 12, and 14
- b. Amendment to Rule 1

**REAL ESTATE COMMISSION (Bill Williamson)**

- a. Regulation 7.4; Branch Office
- b. Regulation 10.4; Broker Responsibilities; Executive Brokers; Part-Time brokers

**SECRETARY OF STATE (Steve Hollowell)**

- a. Centralized Filing of Agricultural Liens and Farm-related Security Interests with the Secretary of State - Transition - Rule #116.00.09-002
- b. Registration of International Student Exchange Visitor Placement Organizations - Rule #116.00.09-001

**SECURITIES DEPARTMENT (Heath Abshire)**

- a. Fair Mortgage Lending Act

**ARKANSAS TEACHER RETIREMENT SYSTEM (George Hopkins)**

- a. No. 4-1, Board of Trustees Composition and Elections; and No. 4-2, Election Procedures and Terms of Office for Elected Trustee Positions; and Repeal of No. 4-3, Schedule for Trustee Elections
- b. No. 7-3, Reporting Employee (Member) Contributions; No. 7-4, Employer Contributions; and No. 9-7, Error Corrections and Collection of Overpayments
- c. No. 9-1a, Retirement/Benefits Definitions
- d. No. 9-3, Disability Retirement; and No. 11-1, Survivor Benefits; and Repeal of No. 10-1, Rescinding Retirement

**2. The Subcommittee deferred consideration of the following rules until its next meeting in January, 2010:**

**DEPARTMENT OF ENVIRONMENTAL QUALITY (Karen Bassett, Mike Porta)**

- a. Regulation 33; Motor Vehicle Racing Facility Regulations

**DEPARTMENT OF HIGHER EDUCATION (Tara Smith)**

- a. Arkansas Academic Challenge Scholarship Program

**DEPARTMENT OF HUMAN SERVICES, FINANCE AND  
ADMINISTRATION (Charlene Young-Hauser)**

- a. Social Services Block Grant Program Manual (SSBG)
3. **The subcommittee reviewed the Securities Department's proposed amendments to the Fair Mortgage Lending Act Rules. Mr. J. D. Harper, representing the Arkansas Manufactured Housing Association (AMHA), expressed concern that the manufactured home retailers and sales personnel would be required to be licensed under the rule. Mr. Heath Abshire, representing the department, indicated that they had attempted to remove the AMHA concerns. Later, when federal HUD rules are adopted, changes may need to be made to these rules, and when so, the department will work with Mr. Harper in promulgating any further rule changes.**
4. **The subcommittee reviewed the State Board of Public Accountancy amendments to Rules 6, 7, 10, 12, and 14 and Rule 1 to comply with Act 93 of 2009. At the committee's request, the Bureau staff will meet with Ms. Leveta Ray, the director of the board, to determine if any violations of the Administrative Procedure Act occurred during their rulemaking process.**

Respectfully submitted,

*Senator Percy Malone*

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*Representative Mike Burris*

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