

EXHIBIT D
RULE TRACKING SHEET

RULE TRACKING SHEET

Rule No. 2 **Common Name:** Rule Establishing Water Quality Standards for Surface Waters of the State of Arkansas

1. **Review** of draft regulations by key groups.

	<i>Initiated</i>	<i>Completed</i>	<i>Incorporated</i>
EPA	_____	_____	_____
DEQ Legal/Admin.	_____√_____	_____√_____	_____√_____
Industrial/ Environmental Groups	_____N/A_____	_____N/A_____	_____N/A_____

Comments: The amendment of Rule No. 2 is necessary to establish dissolved minerals water quality criteria for the Unnamed Tributary, portions of Brushy Creek, and portions of Stennitt Creek to reflect current conditions, and to remove the designated, but not existing, domestic water supply use for the Unnamed Tributary and portions of Brushy Creek.

2. Proposed regulations presentation to Commission for approval to proceed to public comment period.

Date: June 28, 2019

By: Allan Gates

Comments/Approval: Commission approved the Petition to initiate rulemaking.

3. **Legal notice** of proposed regulations and public hearing.

Publication

Dates of Publication

Arkansas Democrat-Gazette

July 14 and 21, 2019 (Attachment 1)

4. Provide **Legislative Council** with three copies of proposed regulations and the legislative questionnaire at least ten days prior to the first public hearing.

Date: August 7, 2019

By: Jordan Wimpy

5. Hold **public hearing(s)** on the proposed regulations.

Location

Date

Hearing Officer

Lawrence County Meeting Room, Walnut Ridge, AR

August 29, 2019

Charles Moulton

6. Final day of public comment period: September 11, 2019

7. **Final proposed regulation** and **Responsive Summary** prepared by Petitioner and Department.

Date Completed: October 15, 2019 (Petitioner)

Date Completed: October 16, 2019 (DEQ)

8. Formal presentation to the **Public Health & Welfare Committee** of the Legislative Council.

Date: Nov. 4, 2019

By: Allan Gates, Jordan Wimpy, Michael Grappe (DEQ)

Comments/Approval: Reviewed by Committee, See Attachment 2

9. Formal presentation of proposed final regulation to the **Administrative Rules & Regulations Subcommittee** of the Legislative Council and the **Arkansas Legislative Council** (All Regs).

Date: Dec 18, 2019

By: Allan Gates, Jordan Wimpy, Michael Grappe (DEQ)

Date: Dec. 20, 2019

By: Jordan Wimpy, Michael Grappe (DEQ)

Comments/Approval: Reviewed and approved, See Attachments 3 and 4

11. **Motion to Adopt** filed with proposed final regulation.

Date Delivered: January 9, 2020

12. Planned presentation of proposed final regulation to the **Commission** for adoption.

Date: January 24, 2020

By: Allan Gates

Comments/Approval: _____

13. Send two copies of adopted regulation to **Secretary of State** (regulation becomes effective ten days after filing).


Date mailed: _____

14. Formally submit adopted regulation to **EPA**.

Date mailed: _____

PREPARED BY:

MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, PLLC
425 W. Capitol Avenue, Suite 1800
Little Rock, Arkansas 72201-3525

By:  _____
Allan Gates

ATTACHMENT 1

AFFIDAVIT OF PUBLICATION OF PUBLIC NOTICE

Arkansas Democrat Gazette

STATEMENT OF LEGAL ADVERTISING

MITCHELL WILLIAMS SELIG GATES
425 W CAPITOL AVE
LITTLE ROCK AR 72201

REMIT TO:
ARKANSAS DEMOCRAT-GAZETTE, INC.
P.O. BOX 2221
LITTLE ROCK, AR 72203

ATTN: Jake Harper

DATE : 07/21/19 INVOICE #: 3214685
ACCT #: L1055177 P.O. #:

BILLING QUESTIONS CALL 378-3873

STATE OF ARKANSAS,)
COUNTY OF PULASKI,) ss.

ADCOPY

I, Charles A McNeice Jr, do solemnly swear that I am the Business Manager of the Arkansas Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of:

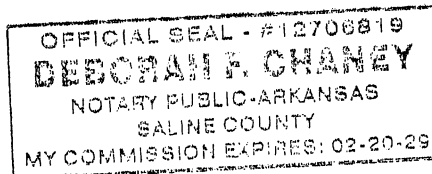
Hearing

pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

DATE	DAY	LINAGE	RATE	DATE	DAY	LINAGE	RATE
07/14	Sun	223	1.57				
07/21	Sun	223	1.57				

TOTAL COST ----- 700.22
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Arkansas Democrat Gazette

STATEMENT OF LEGAL ADVERTISING
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NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARING AND PUBLIC COMMENT PERIOD

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at the Lawrence County Meeting Room on August 29, 2019, to receive comments on a third-party proposal by Vulcan Construction Materials, LLC – Black Rock Quarry (Vulcan) to amend APC&EC Regulation No. 2, the Arkansas Water Quality Standards, in order to establish water quality criteria for an Unnamed Tributary (UT) from Vulcan Outfall 001 to Brushy Creek, and Brushy Creek from the UT to Stennitt Creek, and Stennitt Creek from Brushy Creek to the Spring River. Vulcan also proposes to remove the designated, but not existing, domestic water supply use for the UT and a segment of Brushy Creek. The hearing will begin at 6:00 in the Lawrence County Meeting Room at 115 West Walnut Street, Walnut Ridge, Arkansas, 72476.

In the event of inclement weather or other unforeseen circumstances, a decision may be made to postpone the hearing. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date and comment period.

The deadline for submitting written comments on the proposed changes is 4:30 p.m. (Central Time), September 11, 2019.

Sections 8.809 through 8.811 of APC&EC Regulation No. 8 (Administrative Procedures), and Arkansas Code Annotated Section 8-4-202(c) provide that outside parties may petition APC&EC to initiate the rulemaking process to adopt or amend regulations under APC&EC's jurisdiction. APC&EC authority to amend Regulation No. 2 is found in Arkansas Code Annotated, Section 8-4-201, et seq.

The fact that APC&EC has agreed to initiate such a third-party rulemaking procedure does not constitute an endorsement of the proposal at this time. The APC&EC will decide whether to adopt the proposed changes after the conclusion of the public comment period for the proposal and after Vulcan and the Arkansas Department of Environmental Quality (ADEQ) respond to all public comments submitted during the open comment period.

Vulcan operates a limestone quarrying operation at the Black Rock site and discharges groundwater and stormwater pumped from the quarry pit to Outfall 001 into a farm stock pond, thence by an overflow weir to the Unnamed Tributary, thence to Brushy Creek, thence to Stennitt Creek pursuant to NPDES Permit No. AR0046922. Vulcan is

requesting the following amendments to Regulation No. 2:

- Establish site-specific TDS and sulfate water quality criteria for the UT from Vulcan's Outfall 001 to the confluence with Brushy Creek, as follows:
 - TDS - 725 mg/L
 - Sulfate - 260 mg/L
- Establish site-specific TDS and sulfate water quality criteria for Brushy Creek from the confluence with the UT to the confluence with Stennitt Creek, as follows:
 - TDS - 549 mg/L
 - Sulfate - 129 mg/L
- Establish a site-specific sulfate water quality criterion for Stennitt Creek from the confluence with Brushy Creek to the confluence with the Spring River, as follows:
 - Sulfate - 43.3 mg/L
- Remove the designated, but not existing, domestic drinking water use for the UT from Vulcan's Outfall 001 to its confluence with Brushy Creek, and for a segment of Brushy Creek from its confluence with the UT to its confluence with Stennitt Creek.

Detailed copies of Vulcan's proposed regulation change, along with supporting documents and summary information, are available for public inspection during normal business hours at ADEQ's Public Outreach and Assistance Division, located at ADEQ's North Little Rock Office, and in ADEQ information depositories located in public libraries at Jonesboro; the main branch of the Little Rock Public Library, 100 Rook Street, and the Arkansas State Library, 900 West Capitol, Suite 100, Little Rock.

In addition, summary information concerning the proposal is available at other ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Harrison, Helena, Hope, Jonesboro, Magnolia, Monticello, Mountain Home, Pocahontas, Searcy, Stuttgart, Texarkana, and West Memphis; and in campus libraries at the University of Arkansas Pine Bluff and the University of Central Arkansas at Conway.

Information concerning the proposed changes can also be viewed and downloaded at ADEQ's website at the following URL address:
www.adeq.state.ar.us.

Oral and written comments on the proposed changes to Regulation No. 2 will be accepted at the hearing, but written comments are preferred in the

interest of accuracy. In addition, written or electronic comments should be sent to Jacob Harper, Arkansas Department of Environmental Quality, Public Outreach and Assistance Division, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic mail comments should be sent to the following address:
reg-comment@adeq.state.ar.us.

Published July 14 and 21, 2019.
Becky W. Keogh, Director,
Arkansas Department of
Environmental Quality
750095251

ATTACHMENT 2

**AGENDA FROM NOVEMBER 4, 2019 MEETING OF THE
JOINT COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR**

AGENDA
Senate Committee on Public Health, Welfare, and Labor
House Committee on Public Health, Welfare, and Labor
Meeting Jointly

Monday, November 4, 2019

1:30 PM

Room 171, State Capitol
Little Rock, Arkansas

Sen. Missy Irvin, Chair
Sen. David Wallace, Vice-Chair
Sen. Bill Sample
Sen. Ronald Caldwell
Sen. Jimmy Hickey, Jr
Sen. Bart Hester
Sen. Scott Flippo
Sen. Kim Hammer

Rep. Jack Ladyman, Chair
Rep. Deborah Ferguson, Vice-Chair
Rep. Fredrick J. Love
Rep. Jeff Wardlaw
Rep. Chris Richey
Rep. Stephen Magie
Rep. Josh Miller
Rep. Richard Womack
Rep. John Payton
Rep. Mary Bentley

Rep. Michelle Gray
Rep. Justin Gonzales
Rep. Kenneth B. Ferguson
Rep. Justin Boyd
Rep. Karilyn Brown
Rep. Austin McCollum
Rep. Bruce Coleman
Rep. Clint Penzo
Rep. Mark Perry
Rep. Lee Johnson

A. Call to Order

B. Comments by the Chairs

1. Senator Missy Irvin
2. Representative Jack Ladyman

C. Consideration to Adopt the October 7 and 8, 2019 Meeting Minutes **(EXHIBIT C)**

D. Arkansas Department of Environmental Quality, Office of Water, Review of 3rd Party Rulemaking Regarding PC&E Commission Regulation 2 Establishing Water Quality Standards for Surface Waters of Arkansas. Establishing Water Quality Criteria for a) a segment of the Unnamed Tributary (UT) from Vulcan Outfall 001 to the confluence with Brushy Creek, for a segment of Brushy Creek from its confluence with the UT to its confluence with Stennitt Creek from its confluence with Brushy Creek to its confluence with the Spring River and also b) remove the designated, but not existing, domestic water supply use for the UT and Brushy Creek.**(EXHIBIT D)**

- 1) Michael Grappe', Chief Program Officer, Arkansas Department of Environmental Quality (ADEQ)
- 2) Allan Gates, JD, Mitchell/Williams Law Firm
- 3) Discussion by the Committees

E. Arkansas Department of Environmental Quality, Office of Land Resources, Review of Rule which repeals a regulation that is obsolete. Regulation 14 Waste Tire Program has been replaced by Regulation 36 called the Tire Accountability Program which was created by Act 317 of 2017 called the Used Tire Recycling and Accountability Act. **(EXHIBIT E)**

1. Michael Grappe', Chief Program Officer, ADEQ
2. Discussion by the Committees

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- F. Department of Human Services, Division of Medical Services, Review of Rule which removes Domiciliary Care from the Arkansas Medicaid State Plan and all corresponding rules. This is an optional program that is not routinely used through Medicaid and there are no active providers enrolled to provide this service. **(EXHIBIT F)**
1. Mark White, Chief of Office of Legislative and Intergovernmental Affairs, Department of Human Services, Chief of Staff
 2. Janet Mann, Director, Division of Medical Services, Department of Human Services (DHS)
 3. Discussion by the Committees
- G. Department of Human Services, Division of Medical Services, Review of Rule regarding State Medicaid Plan Amendment (SPA #18-0013). There are no changes to the Primary Care Case Manager (PCCM) program. The formatting of the PCCM Medicaid State Plan changed, but the information and program remains the same. The PCCM portion was submitted to CMS on January 7, 2019, and was approved along with the Patient-Centered Medical Home (PCMH) on February 28, 2019. Although there are no programmatic changes to the PCCM program, the formatting has changed and is being promulgated. **(EXHIBIT G)**
1. Mark White, Chief of Office of Legislative and Intergovernmental Affairs, Department of Human Services, Chief of Staff
 2. Janet Mann, Director, Division of Medical Services, Department of Human Services
 3. Discussion by the Committees
- H. Department of Human Services, Division of County Operations, Review of Rule which complies with Act 59 of 2019 which prohibits an agency from recovering Achieving a Better Life Experience (ABLE) account proceeds upon the death of a designated beneficiary. The statement in the Medical Services Policy Manual, Section E-600 ABLE Program, which requires the estate recovery to reimburse the Medicaid benefits has been removed. **(EXHIBIT H)**
1. Mark White, Chief of Office of Legislative and Intergovernmental Affairs, Department of Human Services, Chief of Staff
 2. Mary Franklin, Director, Division of County Operations, Department of Human Services
 3. Discussion by the Committees
- I. Department of Human Services, Division of Provider Services and Quality Assurance, Office of Long-Term Care, Review of rule which requires national criminal background checks for employees of long-term care facilities and applicants for employment. **(EXHIBIT I)**
1. Mark White, Chief of Office of Legislative and Intergovernmental Affairs, Department of Human Services, Chief of Staff
 2. Jerald Sharum, Director, Division of Provider Services and Quality Assurance
 3. Discussion by the Committees
- J. Department of Human Services, Division of Medical Services, Review of rule to comply with recommendations of the American Academy of Pediatrics by adding three childhood screenings for Medicaid and ARKids B beneficiaries. **(EXHIBIT J)**
1. Mark White, Chief of Office of Legislative and Intergovernmental Affairs, Department of Human Services, Chief of Staff
 2. Janet Mann, Director, Division of Medical Services, Department of Human Services
 3. Discussion by the Committees
- K. 2018-2019 Vision Screening Report from the Department of Education (A.C.A. 6-18-1803) **(EXHIBIT K)**
1. Cheria Lindsey, BSN, RN, NCSN, State School Nurse Consultant, Division of Elementary and Secondary Education, Department of Education
 2. Discussion by the Committees
- L. Epilepsy Foundation in Arkansas
1. Bridgit Patterson, Program Director
- M. Other Business
- N. Adjournment

ATTACHMENT 3

**AGENDA FROM DECEMBER 18, 2019 MEETING OF THE
ADMINISTRATIVE RULES SUBCOMMITTEE OF THE
ARKANSAS LEGISLATIVE COUNCIL**

REVISED AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council

Wednesday, December 18, 2019
9:00 AM
Room A, MAC
Little Rock, Arkansas

Sen. Lance Eads, Co-Chair
Sen. Kim Hammer, Vice-Chair
Sen. Missy Irvin
Sen. Jonathan Dismang
Sen. Jane English
Sen. Keith Ingram
Sen. Jim Hendren
Sen. Blake Johnson
Sen. Cecile Bledsoe, ex officio
Sen. Terry Rice, ex officio

Rep. Dan Sullivan, Co-Chair
Rep. Lane Jean, Vice-Chair
Rep. Fredrick J. Love
Rep. Reginald Murdock
Rep. Matthew J. Shepherd
Rep. Jon S. Eubanks
Rep. Bruce Cozart
Rep. DeAnn Vaught
Rep. Jeff Wardlaw, ex officio
Rep. Jim Dotson, ex officio

- A. Call to Order.**
- B. Reports of the Executive Subcommittee.**
- C. Letters Submitted Pursuant to Act 893 of 2019.**
- D. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309.**
- 1. DEPARTMENT OF AGRICULTURE, ARKANSAS LIVESTOCK & POULTRY COMMISSION (Mr. Patrick Fisk, Mr. Wade Hodge)**
 - a. Disbursement of State Funds for Fairs and Livestock Shows (p.1)**
 - 2. DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Ms. Amanda Rose)**
 - a. Rule 8 – Corporate Governance Annual Disclosure (p.4)**
 - b. Amended Rule 25 – Annual Financial Reporting (p.6)**
 - 3. DEPARTMENT OF COMMERCE, STATE SECURITIES DEPARTMENT (Mr. David Smith)**
 - a. Amendments to the Money Services Rules (p.7)**
 - 4. DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Ms. Courtney Salas-Ford, items a, e; Ms. Jennifer Dedman, item b; Ms. Mary Claire Hyatt, item c; Ms. Lori Freno, item d)**

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- a. **DESE Rules Governing Test Security, Testing Violations, and Alleged Testing Improprieties (p.9)**
 - b. **DESE Rules Governing Public School Choice and Repeals (p.11)**
 - c. **DESE Rules Governing Class Size and Teaching Load (p.16)**
 - d. **DESE Rules Governing the Regulatory Basis of Accounting (p.19)**
 - e. **DESE Rules Governing the Arkansas Educational Support and Accountability Act (AESAA) (p.19)**
5. **DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (Mr. Micheal Grappe, Mr. Allan Gates, Mr. Jordan Wimpy)**
- a. **APC&EC Reg. No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas (Vulcan Construction Materials, L.L.C.) (p.22)**
6. **STATE BOARD OF FINANCE (Mr. Paul Louthian)**
- a. **Arkansas State Treasury Investment Policy (p.29)**
 - b. **Arkansas State Treasury Money Management Trust Policy (p.30)**
7. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING, ADULT, & BEHAVIORAL HEALTH SERVICES (DAABHS) (Ms. Patricia Gann, item a; Mr. Mark White, item b)**
- a. **Certification in Deaf Mental Health (p.30)**
 - b. **Rule Establishing Reasonable Charges for Costs of Treatment (p.32)**
8. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILD CARE & EARLY CHILDHOOD EDUCATION (DCCECE) (Mr. David Griffin)**
- a. **Division of Child Care and Early Childhood Education Minimum Licensing Requirements (p.33)**
9. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILDREN & FAMILY SERVICES (DCFS) (Ms. Christin Harper)**
- a. **Permanency Efforts for Children in Foster Care (p.38)**
 - b. **Referrals of Infants Born With and Affected by Fetal Alcohol Spectrum Disorder or Prenatal Drug Exposure (p.40)**
 - c. **Subsidized Guardianship (p.45)**
 - d. **Ensuring Child Safety and Confidentiality (p.47)**
10. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (DMS) (Ms. Janet Mann)**
- a. **Hospital 3-19 Spinal Muscular Atrophy Newborn Screening (p.51)**

11. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF YOUTH SERVICES (DYS)**
(Ms. Kara Benca)
 - a. **Division of Youth Services Operations Manual (p.53)**
 12. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, APPRAISER LICENSING AND CERTIFICATION BOARD (Ms. Diana Piechocki)**
 - a. **Reduction in Requirements and Clean-Up 19-0003 (p.57)**
 13. **DEPARTMENT OF PARKS, HERITAGE, AND TOURISM, DIVISION OF HERITAGE (Mr. Jim Andrews, Mr. David Bell, item a; Mr. Scott Kaufman, item b)**
 - a. **Guidelines for Museum Hours of Operation (p.60)**
 - b. **Rules Governing the Arkansas Major Historic Rehabilitation Income Tax Credit Act (p.61)**
 14. **ARKANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM (Ms. Laura Gilson, Mr. Duncan Baird)**
 - a. **DROP Provisions (p.62)**
 15. **COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION (Ms. Lori Freno)**
 - a. **CAPSAFT Rules Governing the Academic Facilities Distress Program (p.63)**
 - b. **CAPSAFT Rules Governing the Facilities Master Plan (p.66)**
 - c. **CAPSAFT Rules Governing the Academic Facilities Partnership Program (p.67)**
 16. **DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, OFFICE OF STATE PROCUREMENT (Ms. Ann Purvis)**
 - a. **Changes to Rules Under the AR Procurement Law (p.87)**
- E. Proposed Rules Recommending Expedited Process and Procedure for Occupational Licensure Pursuant to Ark. Code Ann. § 17-1-106(c), as Amended by Act 820 of 2019.**
1. **DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS STATE POLICE (Ms. Mary Claire McLaurin, Lt. Michael Moyer)**
 - a. **Amendment to the Division of Arkansas State Police Rules for Licensing and Regulation of Private Investigators, Private Security Agencies, Alarm Systems Companies, Polygraph Examiners, and Voice Stress Analysis Examiners**
 - b. **Amendment to the Division of Arkansas State Police Used Motor Vehicle Dealer Licensing Rules**
- F. Adjournment.**

SUPPLEMENTAL AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council
Wednesday, December 18, 2019
9:00 AM
Committee Room A, MAC
Little Rock, Arkansas

- A. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309 to be Considered Pending Suspension of the Rules.**
 - 1. ARKANSAS DEPARTMENT OF AGRICULTURE, STATE PLANT BOARD (Mr. Wes Ward, Mr. Scott Bray, Mr. Wade Hodge)**
 - a. Pesticide Classification and Enforcement Rule Amendments (Dicamba)**

- B. Adjournment.**

ATTACHMENT 4

**AGENDA FROM DECEMBER 20, 2019 MEETING OF THE
ARKANSAS LEGISLATIVE COUNCIL**

AGENDA
Arkansas Legislative Council

Friday, December 20, 2019
9:00 AM
Room A, MAC
Little Rock, Arkansas

- A. Call to Order.
- B. Roll Call.
- C. Approval of the Minutes of the Last Meeting, November 15, 2019.
- D. Report of the Executive Subcommittee — Rep. Jeff Wardlaw, Sen. Cecile Bledsoe, Co-Chairs.
- E. Reports of Standing Subcommittees:
 - 1. Administrative Rules: — Rep. Dan Sullivan, Sen. Lance Eads, Co-Chairs;
 - 2. Charitable, Penal & Correctional Institutions — Rep. David Fielding, Sen. Gary Stubblefield, Co-Chairs;
 - 3. Claims Review — Rep. Bruce Cozart, Sen. Bart Hester, Co-Chairs;
 - 4. Game and Fish/State Police — Rep. Josh Miller, Sen. Keith Ingram, Co-Chairs;
 - 5. Higher Education — Rep. David Whitaker, Sen. Breanne Davis, Co-Chairs;
 - 6. Hospital and Medicaid Study — Rep. Fredrick J. Love, Sen. Eddie Cheatham, Co-Chairs;
 - 7. Litigation Reports Oversight — Rep. Lanny Fite, Sen. Bob Ballinger, Co-Chairs;
 - 8. Performance Evaluation and Expenditure Review — Rep. DeAnn Vaught, Sen. Bruce Maloch, Co-Chairs;
 - 9. Policy-Making — Rep. Ken Bragg, Sen. Linda Chesterfield, Co-Chairs;
 - 10. Review: — Rep. Andy Davis, Sen. Scott Flippo;
 - 11. Uniform Personnel Classification and Compensation Plan — Rep. Jim Wooten, Sen. David Wallace, Co-Chairs;
 - 12. Lottery Oversight — Rep. Chris Richey, Sen. Joyce Elliott, Co-Chairs;
 - 13. Highway Commission Review and Advisory — Rep. Ron McNair, Sen. Jonathan Dismang, Co-Chairs;
 - 14. Arkansas Health Insurance Marketplace Oversight — Rep. Deborah Ferguson, Sen. Kim Hammer, Co-Chairs.
 - 15. Occupational Licensing Review — Rep. Womack, Sen. Missy Irvin, Co-Chairs;

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F. Reports of Interim or Special Committees:

G. Review of Communications:

1. **Arkansas Economic Development Commission, Division of Rural Services**, Request for approval of funding for the Arkansas Game and Fish Wildlife Grants for Cycle I of Fiscal Year 2020, submitted pursuant to Section 41 of Act 876 of 2019 Regular Session.
2. **Arkansas Teacher Retirement System:**
 - a. Request, submitted pursuant to A.C.A § 19-11-1303, for the Legislative Council's retrospective review of the partial equity ownership investments with Thoma Bravo Explore Fund, L.P.
 - b. Request for the Legislative Council's review of investments, submitted pursuant to A.C.A § 19-11-1302;
 - i. Franklin Park International Fund X, L.P;
 - ii. Franklin Park Venture Capital Fund XIII, L.P.;
 - iii. Long Wharf Real Estate Partners VI, L.P.
3. **Bureau of Legislative Research**, Report on travel recommendations for members of the General Assembly attending conferences other than SLC, CSG, NCSL, ALEC, or the Energy Council submitted pursuant to Legislative Council travel policy.
4. **Commissioner of State Lands**, Report of property sold from July 2019 through September 2019 by the Commissioner of State Lands Office through the post-auction sale process, submitted pursuant to A.C.A. § 26-37-202(b)(3).
5. **Department of Agriculture, Arkansas Forestry Commission**, Monthly activity report for November 2019 submitted pursuant to Section 33 of Act 544 of the 2019 Fiscal Session.
6. **Department of Commerce, Division of Workforce Services**, Quarterly Reports for the quarter ending September 30, 2019 on the Unemployment Insurance Administration Fund, submitted pursuant to A.C.A. § 19-5-1232, the Workforce Services Training Trust Fund, submitted pursuant to A.C.A. § 19-5-1131, and the Special Fund, submitted pursuant to A.C.A. § 19-5-984.
7. **Department of Corrections:**
 - a. **Arkansas Parole Board**, Monthly performance report on parole applications and outcomes for November 2019, submitted pursuant to A.C.A. § 16-93-210;
 - b. **Division of Community Correction**, Report on the Community Correction Centers' population totals and Parole and Probation Services' caseload information as of December 2, 2019;
 - c. **Division of Correction**, Statewide Population Report as of December 9, 2019.
8. **Department of Finance and Administration:**
 - a. **Division of Budget and Finance**, Monthly General Revenue Report for November 2019;
 - b. **Office of Child Support Enforcement**, Semi-Annual Report on the Child Support Enforcement Program for the period ending June 30, 2019, submitted pursuant to A.C.A. § 25-10-118.

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9. **Department of Human Services, Division of Children and Family Services**, Monthly report of out-of-state placements for November 2019, submitted pursuant to A.C.A. §20-46-106.
10. **Department of Parks, Heritage, and Tourism, Capitol Zoning District Commission**, Monthly activity report for October 2019 and November 2019, submitted pursuant to A.C.A. § 22-3-311.
11. **Department of Public Safety, Division of Arkansas State Police**, Monthly activity report for November 2019 regarding activity and condition of the Uniformed Employee Health Insurance Plan, submitted pursuant to Section 17 of Act 224 of the 2018 Fiscal Session.
12. **Department of Transformation and Shared Services, Division of Building Authority**, Monthly performance report pertaining to capital improvement activities (design review and construction) for November 2019, submitted pursuant to A.C.A. § 22-2-108(13).
13. **Public Service Commission**, Extension of Telecommunications Facilities Fund (ETFF) Quarterly Report for the quarter ending September 2019, submitted pursuant to A.C.A. § 23-17-404(e)(7)(A)(i).
14. **University of Arkansas for Medical Sciences (UAMS)**, Quarterly report on the Arkansas Building Effective Services for Trauma (ARBEST) programs for children and adolescents, for the quarter ending September 30, 2019, submitted pursuant to Section 47 of Act 986 of the 2019 Regular Session.
15. Reports on the “course of action” implemented to ensure compliance with FORUM Act 184 of 2019 from Higher Education Two (2) Year and Four (4) Year Institutions, submitted pursuant to A.C.A. §6-60-1008:

- a. **East Arkansas Community College**

H. New Business:

I. New Interim Study Proposals and/or Interim Resolutions:

1. **Interim Resolution 2019-003, by Senator Gary Stubblefield**, requesting the Arkansas Legislative Council urge the Assessment Coordination Division to amend the new assessment rates for poultry houses and to ensure that proper rulemaking procedures are followed in establishing future guidelines and rates for county assessors; and to encourage the Joint Performance Review committee to study the valuation of poultry houses for purposes of assessing property tax and recommending legislation to establish a method of valuation for poultry houses.

J. Business Carried Over:

Reports on the “course of action” implemented to ensure compliance with FORUM Act 184 of 2019 from Higher Education Two (2) Year and Four (4) Year Institutions, submitted pursuant to A.C.A. §6-60-1008:

- a. **Southern Arkansas University**

- b. **University of Arkansas System**

K. Adjournment.

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

December 20, 2019

Co-Chairs:

December 3, 2019 Meeting

The Administrative Rules Subcommittee met on Tuesday, December 3, 2019, at 1:00 p.m., in Room A, MAC.

- 1. The Subcommittee renewed the rules of the Group 1 agencies scheduled for consideration pursuant to Act 781 of 2017. The Act 781 of 2017 Rules Report for Review Group #1 is attached hereto.**

December 18, 2019 Meeting

The Administrative Rules Subcommittee also met on Wednesday, December 18, 2019, at 9:00 a.m., in Room A, MAC.

- 1. The Subcommittee reviewed and filed the attached letters submitted pursuant to Act 893 of 2019.**
- 2. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF AGRICULTURE, ARKANSAS LIVESTOCK &
POULTRY COMMISSION (Mr. Wes Ward)**

- a. Disbursement of State Funds for Fairs and Livestock Shows**

**DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT
(Mr. Ryan James, Ms. Amanda Rose)**

- a. Rule 8 – Corporate Governance Annual Disclosure**

b. Amended Rule 25 – Annual Financial Reporting

**DEPARTMENT OF COMMERCE, STATE SECURITIES DEPARTMENT
(Mr. David Smith)**

a. Amendments to the Money Services Rules

**DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND
SECONDARY EDUCATION (Ms. Courtney Salas-Ford, items a, c, e; Ms.
Jennifer Dedman, item b; Ms. Lori Freno, item d)**

- a. DESE Rules Governing Test Security, Testing Violations, and Alleged Testing Improprieties**
- b. DESE Rules Governing Public School Choice and Repeals**
- c. DESE Rules Governing Class Size and Teaching Load**
- d. DESE Rules Governing the Regulatory Basis of Accounting**
- e. DESE Rules Governing the Arkansas Educational Support and Accountability Act (AESAA)**

**DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF
ENVIRONMENTAL QUALITY (Mr. Micheal Grappe, Mr. Allan Gates)**

- a. APC&EC Reg. No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas (Vulcan Construction Materials, L.L.C.)**

STATE BOARD OF FINANCE (Mr. T.J. Fowler)

- a. Arkansas State Treasury Investment Policy**
- b. Arkansas State Treasury Money Management Trust Policy**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING, ADULT,
& BEHAVIORAL HEALTH SERVICES (DAABHS) (Mr. Mark White)**

- a. Certification in Deaf Mental Health**
- b. Rule Establishing Reasonable Charges for Costs of Treatment**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILD CARE & EARLY CHILDHOOD EDUCATION (DCCECE) (Mr. Mark White, Ms. Ashelyn Abney)

- a. Division of Child Care and Early Childhood Education Minimum Licensing Requirements**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILDREN & FAMILY SERVICES (DCFS) (Mr. Mark White, Ms. Christin Harper)

- a. Permanency Efforts for Children in Foster Care**
- b. Referrals of Infants Born With and Affected by Fetal Alcohol Spectrum Disorder or Prenatal Drug Exposure**
- c. Subsidized Guardianship**
- d. Ensuring Child Safety and Confidentiality**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (DMS) (Mr. Mark White)

- a. Hospital 3-19 Spinal Muscular Atrophy Newborn Screening**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF YOUTH SERVICES (DYS) (Mr. Mark White)

- a. Division of Youth Services Operations Manual**

DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, APPRAISER LICENSING AND CERTIFICATION BOARD (Ms. Diana Piechocki)

- a. Reduction in Requirements and Clean-Up 19-0003**

DEPARTMENT OF PARKS, HERITAGE, AND TOURISM, DIVISION OF HERITAGE (Mr. Jim Andrews)

- a. Guidelines for Museum Hours of Operation**
- b. Rules Governing the Arkansas Major Historic Rehabilitation Income Tax Credit Act**

**ARKANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM
(Mr. Duncan Baird)**

a. DROP Provisions

**COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC
FACILITIES AND TRANSPORTATION (Ms. Lori Freno, Mr. Tim Cain,
Mr. Murray Britton)**

a. CAPSAFT Rules Governing the Academic Facilities Distress Program

b. CAPSAFT Rules Governing the Facilities Master Plan

**c. CAPSAFT Rules Governing the Academic Facilities Partnership
Program**

- 3. The Subcommittee reviewed the following rules recommending an expedited process and procedure for occupational licensure pursuant to Ark. Code Ann. § 17-1-106(c), as amended by Act 820 of 2019:**

**DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS
STATE POLICE (Ms. Mary Claire McLaurin)**

**a. Amendment to the Division of Arkansas State Police Rules for
Licensing and Regulation of Private Investigators, Private Security
Agencies, Alarm Systems Companies, Polygraph Examiners, and
Voice Stress Analysis Examiners**

**b. Amendment to the Division of Arkansas State Police Used Motor
Vehicle Dealer Licensing Rules**

- 4. The Subcommittee reviewed and approved the following rule filed pursuant to Ark. Code Ann. § 10-3-309 upon suspension of its Subcommittee Rules:**

**ARKANSAS DEPARTMENT OF AGRICULTURE, STATE PLANT
BOARD (Mr. Wes Ward)**

**a. Pesticide Classification and Enforcement Rule Amendments
(Dicamba)**

- 5. The following rule was deferred to the January 15, 2020 meeting of the
Administrative Rules Subcommittee:**

**DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES,
OFFICE OF STATE PROCUREMENT**

a. Changes to Rules Under the AR Procurement Law

Respectfully submitted,

Senator Lance Eads, Co-Chair

Representative Dan Sullivan, Co-Chair