

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

January 15, 2016

Co-Chairs:

The Subcommittee on Administrative Rules and Regulations met on Tuesday, January 12, 2016 at 9:00 a.m. in Room A, MAC.

- 1. The Subcommittee adopted the attached report of the Executive Subcommittee concerning emergency rule filings.**
- 2. The Subcommittee reviewed and filed the quarterly report issued pursuant to Sections 14 and 15 of Act 1258 concerning Administrative Directives and Administrative Memoranda (effective October 1 through December 31, 2015) submitted by the Department of Community Correction.**
- 3. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

ALCOHOLIC BEVERAGE CONTROL (Milton Lueken, Bud Roberts, Mary Robin Casteel)

- a. Section 1.20(5); Residency Requirements of Managing Agents**
- b. Amendment to Section 1.10**
- c. New Regulation Section 1.10(B)**
- d. Amendment to Section 1.19(18)**
- e. Amendment to Section 1.19(27)**
- f. Amendment to Section 1.19(34)**
- g. Amendment to Section 1.19(40)**
- h. New Regulation Section 2.61**

- i. Amendment to Section 2.5.1**
- j. Amendment to Section 2.5.2**
- k. Amendment to Section 2.53**
- l. Amendment to Section 2.54**
- m. Amendment to Section 2.58**
- n. New Regulation Section 2.62**
- o. New Regulation Section 2.63**
- p. New Regulation Section 2.64**
- q. New Regulation Section 2.65**
- r. Amendment to Section 3.17**
- s. Amendment to Section 3.17.2**

APPRAISER LICENSING AND CERTIFICATION BOARD (Lee Gordon)

- a. Rules and Regulations Section I – General (O) Uniform Standards of Professional Appraisal Practice**

ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, RURAL SERVICES DIVISION (Kurt Naumann, Alex Johnston, and Roger Mangham)

- a. Arkansas Unpaved Roads Grant Program**

DEPARTMENT OF EDUCATION (Cory Biggs, Courtney Salas-Ford)

- a. Schools of Innovation**
- b. Issuance of Local Education Agency Numbers**
- c. Succeed Scholarship Program**

DEPARTMENT OF ENVIRONMENTAL QUALITY, AIR DIVISION (Stuart Spencer)

- a. Regulation 18; Arkansas Air Pollution Control Code**
- b. Regulation 19; Arkansas Plan for Implementation for Air Pollution Control**

c. Regulation 26; Arkansas Operating Air Permit Program

DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION (Robert Brech)

a. Arkansas Prescription Drug Monitoring Program

DEPARTMENT OF HEALTH, HEALTH SYSTEMS LICENSING AND REGULATION (Robert Brech)

a. Rules and Regulations for Cosmetology in Arkansas

DEPARTMENT OF HEALTH, CENTER FOR LOCAL PUBLIC HEALTH, ENVIRONMENTAL HEALTH (Robert Brech)

a. Rules and Regulations Pertaining to Body Art

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Tami Harlan)

a. State Plan Amendment #2015-010 and OMIG Updates

b. Patient Centered Medical Home Update #1-15 and Section V-8-15

c. Pharmacy 3-15

ARKANSAS INSURANCE DEPARTMENT (Gray Turner)

a. Rule 31: Pre-License Education for Producers

b. Rule 50: Continuing Education for Producers and Adjusters

STATE MEDICAL BOARD (Kevin Odwyer)

a. Regulation 37; Creating Arkansas Graduate Registered Physicians

OIL AND GAS COMMISSION (Lawrence Bengal, Shane Khoury)

a. Rule D22; Requirements for Lease Rights Gas Supply Lines

STATE BOARD OF OPTOMETRY (Kevin Odwyer)

a. Chapter 5, Article IX, Section 1 Governing Prescribing Controlled Substances

DEPARTMENT OF PARKS AND TOURISM, STATE PARKS DIVISION (Grady Spann)

- a. **Smoking, Tobacco, Electronic Cigarette Policy**

STATE BOARD OF PUBLIC ACCOUNTANCY (James Corley, Mark Ohrenberger)

- a. **State Board of Public Accountancy Rule Changes 2015**

ARKANSAS TEACHER RETIREMENT SYSTEM (Gail Bolden, Laura Gilson)

- a. **Board of Trustees Composition and Elections (Rule 4-1)**
- b. **Investment Goals (Rule 5-4)**
- c. **Investment Strategy (Rule 5-5)**
- d. **Investment Consultants (Rule 5-6)**
- e. **Purchase of Service Credit/Repayment of Refunds (Rule 8-1)**
- f. **Free Military Credit (Rule 8-7)**
- g. **Age and Service (Voluntary) Retirement (Rule 9-2)**
- h. **Disability Retirement (Rule 9-4)**
- i. **Teacher Deferred Retirement Option Plan (T-DROP) (Rule 10-9)**

- 4. **The Subcommittee referred the following rule to the House Rules Committee and the Senate Interim Committee on State Agencies and Governmental Affairs:**

ALCOHOLIC BEVERAGE CONTROL (Milton Lueken, Bud Roberts, Mary Robin Casteel)

- a. **Section 1.33(6); Distance Between Retail Liquor Stores and Churches or School Buildings**

- 5. **The Subcommittee deferred the following rule to the February 16, 2016 agenda of the Administrative Rules and Regulations Subcommittee:**

ARKANSAS INSURANCE DEPARTMENT (Gray Turner)

- a. **Rule 57: Insurance Department Administrative and Regulatory Fees**

6. **Due to questions regarding the difference in terminology between the act and the rule, Mr. Kevin Odwyer, Attorney for the Medical Board, indicated that he would take the following rule back to the board:**

STATE MEDICAL BOARD (Kevin Odwyer)

- a. **Regulation 36; Governing Procedures for Abortions**

Respectfully submitted,

Senator David Sanders, Co-Chair

Representative Andy Davis, Co-Chair