

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

**RULES ~~AND REGULATION~~ RULES PERTAINING
TO
RESTRICTED PLUMBERS LICENSE GAS FITTER
AND GAS UTILITY**

SECTION I. AUTHORITY

The following ~~regulation~~rule is duly adopted and promulgated by the Arkansas State Board of Health pursuant to the Authority expressly conferred by the laws of the State of Arkansas in Act 200 of 1951 as amended and Act 96 of 1913 as amended. The Department may exercise such powers as are reasonably necessary to carry out the provisions of Act 200 of 1951 as amended. It may, among other things, issue restricted licenses limited to gas fitter, residential and governmental maintenance, service line installation, solar mechanic and hospital maintenance licenses providing that the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed and providing that the Board has adopted ~~regulation~~rules defining restrictions and the type of work allowed, geographical area served, and term of that type of restricted license.

SECTION II. PURPOSE

- (a) No person shall engage in work as a Master Plumber, Journeyman Plumber, Apprentice Plumber or restricted license holder called for under Act 200 of 1951 as amended unless first licensed or registered to do so by the Department of Health.

SECTION III. DEFINITIONS

- (a) The State Board means the Arkansas State Board of Health.
- (b) The Department means the Plumbing and Natural Gas Section of the Arkansas Department of Health.
- (c) Gas Utility means a person, firm or corporation engaged in the distribution of natural gas, manufactured gas and/or a mixture of natural gas and manufactured gas, delivered to the consumer through a system of distribution piping.
- (d) ~~Supervising~~Supervisor Gas Fitter means a person trained and skilled in the Supervision of gas fitting and gas piping, appliances, fixtures, devices and appurtenances in connection with gas.
- (e) Gas Fitter means a person trained and skilled in the practical installation of gas piping, appliances, fixtures, devices and appurtenances.
- (f) Gas Fitter Trainee means a person working with licensed Gas Fitters to achieve experience and knowledge so that the trainee may advance to a Gas Fitter status. Gas Fitter Trainees shall register with the Department in order to record the training and experience gained under ~~Supervising~~Supervisor Gas Fitter.

- (g) Arkansas State Gas Code means those ~~regulation~~rules governing the installation of piping, fixtures, appliances, devices and appurtenances in connection with gas installations, specifically Chapter Fifteen (15) of the Arkansas State Plumbing Code. These ~~regulation~~rules are published separately as the Arkansas State Gas Code as a convenience for the gas industry not needing the complete Arkansas State Plumbing Code.
- (h) Restricted area means any specific location in the state, small towns and/or rural water, sewer, gas improvement district or utility company.
- (i) Gas Utility License means a license for all gas utilities having gas ~~servicemen~~servicepersons.

SECTION IV. RESTRICTIONS

- (a) Persons holding a Restricted Gas Fitter Plumber's License for the particular phase of gas fitting shall not perform any plumbing service other than the restricted phase for which he is licensed.
- (b) Persons holding a Restricted Gas Fitters Plumber's License shall not be eligible to use experience gained under such license to obtained credit toward other forms of licenses issued by the Department.
- (c) Persons holding a Restricted Gas Fitter Plumber's License shall not transfer a license from one phase of plumbing to any other phase or move from one area of restriction to another without first submitting a new application to the Department.
- (d) The Gas Utility License shall cover all of the utility's gas ~~serviceman~~serviceperson for installation and service by the utility, providing that the utility requires each such ~~serviceman~~serviceperson be specially trained for such service. The Utility shall be responsible to the Department for each ~~serviceman~~serviceperson and shall provide an identification card showing the utility license name, utility license number and the restricted service of the ~~serviceman~~serviceperson. The Utility shall register each ~~serviceman~~serviceperson and ~~his-their~~ serial numbers with the Department. Such ~~servicemenservicepersons~~ are expressly not eligible for any gas work or service for other than the utility and in the name of the utility.

SECTION V. QUALIFICATIONS

- (a) An applicant for a Restricted Gas Fitter Plumber's License and Gas Utility License shall show proof that he is qualified to perform the phase of plumbing for which he is requesting.
- (b) An application for a ~~Supervising~~Supervisor Gas Fitter Plumber's License shall have a minimum experience of one (1) full year as a licensed Gas Fitter and shall successfully pass the examination prescribed.
- (c) An applicant for Gas Fitter Plumber's License shall have served two (2) years as a Registered Gas Fitter Trainee and shall successfully pass the examination prescribed.
- (d) An applicant for Gas Fitter Trainee shall have a general aptitude for training and shall complete an agreement with an employer and ~~Supervising~~Supervisor Gas Fitter for a two (2) years training period.

SECTION VI. APPLICATIONS AND EXAMINATIONS

- (a) Information for a Restricted Gas Fitter Plumber's License shall be on an application form showing the education experience and background of the applicant.
- (b) The application form of a Restricted Gas ~~fitter-Fitter~~ Plumber's License shall have a space to show the restriction requested and the restriction shall be indicated before consideration by the Committee of Examiners.
- (c) **All Gas Fitter and Supervisor Gas Fitter applicants** shall be examined by the Department to determine competency to perform as a Restricted Gas Fitter Plumber and on the ~~regulation~~rule that may affect ~~his-their~~ operation.
- ~~(d)~~ **All Gas Fitter and Supervisor Gas Fitter** applicants shall be examined on the basis of competency of the restricted phase of plumbing he may be performing and on laws, rules and ~~regulation~~rules that may affect ~~his-their~~ operation.
- (e) Gas Utility Serviceperson license application is made by the gas utility. The gas utility submits the name, date of birth and social security number of the licensee. The utility is responsible for the licensee's training, supervision, and renewals. The utility shall notify the Department when the serviceperson's employment status changes as such to require license cancellation.**
- ~~(d)~~(f) Gas Utility Serviceperson licenses are not transferable.**

SECTION VII. TERMS OF LICENSE AND RENEWALS

- (a) Holders of Restricted Gas Fitter Plumber Licenses issued under the provision of this ~~regulation~~rule may apply for renewal annually within thirty (30) days after the expiration date of the license. The Department may renew a license after the thirty (30) day period providing there is sufficient reason for not renewing such license in the time specified and upon payment of penalties as prescribed by the ~~regulation~~rule.

SECTION VIII. REVOCATION OF LICENSE

- (a) The Committee of Examiners may on its own motion or upon a complaint in writing duly signed and verified by the complainant, suspend or revoke any Restricted Gas Fitter Plumber's License or Gas Utility License if it has reason to believe that the holder of such license has violated any provision of these ~~regulation~~rules, any rule or order prescribed by the Board or has demonstrated incompetency to act as a Restricted Gas Fitter Plumber.
- (b) The use a Restricted Gas Fitter Plumber's License or Gas Utility License to do plumbing other than permitted by the license shall be grounds for automatic suspension and/or revocation of such license by the Committee of Examiners providing the licensee is duly notified within thirty (30) days of the violation and pending a full hearing under the Administrative Procedures Regulation of the Arkansas Department of Health.

SECTION IX. HEARINGS

In the case of each final order issued by the Department, any affected party may within 30 days of such order submit a written request for a hearing to the Director of the Department.

NOTICE:

All hearings will be scheduled within a reasonable time and held after reasonable notice has been provided to all known affected parties.

SECTION X. SEVERABILITY

If any provision of these RegulationRules, or the application thereof to any person is held invalid, such invalidity shall not affect other provisions or application of these RegulationRules which can give effect without the invalid provisions of applications, and to this end the provisions hereto are declared to be severable.

(a)

SECTION XI. REPEAL

All RegulationRules and parts of RegulationRules in conflict herewith are hereby repealed.

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY _____
DIVISION _____
DIVISION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ FAX NO. _____ E-MAIL _____
NAME OF PRESENTER AT COMMITTEE MEETING _____
PRESENTER E-MAIL _____

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule?

2. What is the subject of the proposed rule?

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes No

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

5. Is this a new rule? Yes No If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

7. What is the purpose of this proposed rule? Why is it necessary?

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

9. Will a public hearing be held on this proposed rule? Yes No If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. _____

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). _____

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;
- b) The reason for adoption of the more costly rule;
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

**SUMMARY OF CHANGES TO RULES
PERTAINING TO
RESTRICTED PLUMBERS LICENSE
GAS FITTER AND GAS UTILITY**

This proposal removes the word regulation and replaces with rule.

Section III - Definitions

- ✓ Serviceperson and Servicepersons replaces the terms Serviceman and Servicemen.
- ✓ Supervisor replaces the term Supervising to align with the licensing title used by the Department.

Section VI – Applications and Examinations

- ✓ Paragraph (c) & (d) Titles” Gas Fitter and Supervisor Gas Fitter” was added to define which applicant types are being addressed.
- ✓ Paragraph (e) was added to outline the application and renewal methods for Gas Utility Servicepersons licenses.
- ✓ Paragraph (f) was added to address transferability as this license is issued to the Serviceperson in conjunction with the Utility Company.