

ARKANSAS REGISTER

Transmittal Sheet

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Natural Resources Commission

Department Legal Division

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Statutory Authority for Promulgating Rules § 15-20-206(a)

Rule Title: Title 18 Floodplain Administrator Accreditation Rules

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other June 1, 2018
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

Nov 27-29, 2017

December 27, 2017

May 16, 2018

March 21, 2018

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

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May 18, 2018

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CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

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Title

May 18, 2018

Date

Rules Governing the Arkansas Natural Resources Commission's
Floodplain Administrator Accreditation Program

Title 18

(amended June 1, 2018)

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Rules Governing the Arkansas Natural Resource Commission's
Floodplain Administrator Accreditation Program

Title 18

(amended June 1, 2018)

Subtitle I. General provisions

Section 1801.1 Purpose.

The purpose of this program is to provide a procedure for accrediting floodplain administrators. Each county, city, or town shall designate a person to serve as the floodplain administrator to administer and implement the community Flood Damage Prevention Ordinance or Code pursuant to Ark. Code Ann. §14-268-104 and any local codes and regulations relating to the management of flood-prone areas. This program will assure that persons responsible for important economic decisions affecting health, safety, and welfare of the State receive annual training to assist them in managing development in floodplains.

Section 1801.2 Enabling and pertinent legislation.

- A. Ark. Code Ann. §14-268-101 et seq., Flood Loss Prevention.
- B. Ark. Code Ann. §15-24-101 et seq., Flood Control.
- C. Ark. Code Ann. §15-20-201 et seq., Arkansas Natural Resources Commission.
- D. Ark. Code Ann. §17-1-106, Licensure, certification, or permitting of active duty service members, returning military veterans, and spouses.

Section 1801.3 Definitions.

The following definitions shall apply to all parts of this title:

- A. "Accreditation" means that the floodplain administrator has met the education and training standards specified by the Arkansas Natural Resources Commission.
- B. "Accreditation year" means the time from July 1 to June 30. The accredited floodplain administrator must comply with continuing education requirements each year to maintain accreditation.
- C. "Commission" means the Arkansas Natural Resources Commission, as defined in Ark. Code Ann. §15-20-201 et seq.
- D. "Community" means town, city, county, or other unit of state government which has the authority to adopt, enact and enforce ordinances, building codes or zoning codes, or other appropriate measures restricting, or controlling the management and use of land, structures, and other developments in flood-prone areas.
- E. "Flood Damage Prevention Ordinance" means an ordinance adopted by a community in order to implement provisions of participation in the National Flood Insurance Program (NFIP).
- F. "Continuing education" means education designed to maintain and improve the ability to manage floodplains.
- G. "Executive Director" means Executive Director of the Commission.
- H. "Floodplain administrator" means the person designated by a city, town, or county, to administer and implement this chapter and other federal and state laws and local ordinances and regulations relating to the management of flood-prone areas.

I. "Flood Damage Prevention Ordinance" refers to an ordinance adopted by a community in order to qualify for participation in the National Flood Insurance Program (NFIP).

J. "Floodplain management measures" means an overall community program of corrective and preventive measures for reducing future flood damage. These measures take a variety of forms and generally include zoning, subdivision or building requirements, and special-purpose floodplain ordinances.

K. "Flood-prone areas" means areas that are subject to, or are exposed to, flooding and flood damage.

L. "Returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

Section 1801.4 Designation of floodplain administrator.

Each community ordinance adopted to restrict or control the management and use of land, structures, and other developments in flood-zone areas shall designate a person to serve as the floodplain administrator to administer and implement the ordinance and any local codes and regulations relating to the management of flood-prone areas. Each community may have its own exclusive floodplain administrator, or several communities may employ a single floodplain administrator to manage floodplain development in their communities. A floodplain administrator may be part-time, full-time, or contracted.

Section 1801.5 Replacing floodplain administrator.

When the floodplain administrator position becomes vacant, the community shall notify the Commission within 30 days and provide a replacement within 60 days. The newly appointed floodplain administrator will have 60 days from the date of appointment to become accredited as described in Subtitle II.

Subtitle II. Eligibility requirements

Section 1802.1. Authority.

A. The Arkansas Natural Resources Commission is authorized to accredit persons having requisite knowledge in floodplain management and in minimization and prevention of flood hazards and losses pursuant to Ark. Code Ann. §§14-268-106 and 15-24-102.

B. The Commission may consider an applicant's knowledge, experience, skills, and training in floodplain management.

C. The Commission may require

1. Passage of an examination;
2. Completion of approved training; or
3. Certification by a floodplain management organization approved by the

Commission.

D. The Commission may offer training courses to satisfy the "demonstration of basic knowledge of floodplain management" accreditation requirements.

1. Training may be conducted by the Commission or any Commission approved educational institution, business entity or individual.

2. Training may consist of formal courses, conferences, workshops, on-line courses, home study courses, or other training methods approved by the Commission.

Section 1802.2 Requirements for accreditation.

An applicant may obtain accreditation by satisfying all of the following requirements:

- A. Satisfactorily completing and submitting to the Commission an application form provided by the Commission;
- B. Demonstrating a basic knowledge of floodplain management acceptable to the Commission by one of the following:
 - 1. Completion of a training course approved by the Commission,
 - 2. Evidence of at least 2 years of sufficient experience in floodplain management,
 - 3. Proof of current good standing as a certified floodplain manager in a certification program approved by the Commission, or
 - 4. Passage of the Commission's exam; and
- C. Submission of a thirty dollar (\$30) accreditation fee.

Section 1802.3 Review of application.

- A. The application and supporting documentation to obtain accreditation will be reviewed by the Commission staff. Commission staff will inform the applicant in writing if the application is incomplete and will specify why the application is incomplete.
- B. When a completed application, supplemental application, or requested information is returned, the Executive Director will review the application.
- C. If all requirements are met, accreditation will be issued.

Section 1802.4 Consideration of military training and experience in lieu of experience or education.

When considering an application for licensure, the Commission shall:

- A. Consider whether or not the applicant's military training and experience is substantially similar to experience or education required for accreditation; and
- B. Accept the applicant's military training and experience in lieu of experience or education required for accreditation if the Commission determines the military training and experience is a satisfactory substitute for the experience or education required for accreditation.

Section 1802.5 Accreditation of active duty military, returning military veterans, and spouses.

The Commission will issue accreditation to an individual applying for Arkansas accreditation who:

- 1. Holds a substantially equivalent accreditation issued by another state who is in good standing with that state; and
- 2. Is one of the following:
 - A. An active duty military service member stationed in the State of Arkansas;
 - B. A returning military veteran applying within one (1) year of his or her discharge from active duty; or
 - C. The spouse of a person under (A) or (B).

Section 1802.6 Expedited accreditation of active duty military, returning military veterans, and spouses.

The Arkansas Natural Resources Commission shall expedite the process for accreditation of any person qualifying for accreditation through Section 1802.5.

Subtitle III. Maintaining accreditation

Section 1803.1 Renewal of accreditation.

A. Floodplain administrators shall submit the following each year prior to July 1 (when the new accreditation year begins) in order to renew their accreditation:

1. Renewal application on a form provided by the Commission;
2. Renewal fee; and
3. Documentation of completing the required continuing education in the form of an attendance certificate or a letter from an approved course provider stating that the floodplain administrator attended the course.

B. If the applicant does not provide the Commission with the items listed in Section 1003.1, Subsection A, the Executive Director will deny renewal of accreditation.

Section 1803.2 Continuing education requirements.

A. Between July 1 and June 30 of each year, accredited floodplain administrators will be required to obtain continuing education to maintain and improve their ability to implement local floodplain regulations. Floodplain administrators must attend training provided by the Commission or provide documentation of attending courses approved by the Commission for accreditation.

B. Floodplain administrators should submit continuing education proposed to meet the annual accreditation requirement to the Commission staff prior to taking a course. However, by supplying documentation of attending training which qualifies for continuing education (See Section 1003.3), credit may be approved after the fact.

C. All floodplain administrators will be required to obtain at least eight (8) hours of continuing education during an accreditation year.

D. For purposes of satisfying the continuing education requirement, one (1) hour of training will equal one hour of continuing education.

E. No continuing education, apart from the initial accreditation requirement will be required of floodplain administrators accredited for less than a year on July 1. These administrators will still be expected to complete a renewal application and submit a renewal fee, but will not be required to meet the continuing education requirement until July 1 of the next year.

F.(1) The Commission shall allow a full or partial exemption from accreditation continuing education requirements for the following individuals:

- A. An active duty military service member deployed outside of the State of Arkansas;
- B. A returning military veteran applying within one (1) year of his or her discharge from active duty; or
- C. The spouse of a person under (A) or (B).

(2) The Commission may require the completion of continuing education before issuing a subsequent accreditation for renewal purposes.

Section 1803.3 Continuing education topics.

Continuing education topics approved for accreditation may include:

1. Floodplain management,
2. Floodplain mapping,
3. Floodplain management regulations,
4. Flood proofing,
5. Floodplain management ordinance administration,
6. Flooding and flood hazards,
7. Floodplains and ecosystems,
8. Flood hazard mitigation,
9. Multi-objective management,
10. The National Flood Insurance Program (NFIP),
11. Flood insurance,
12. Elevation certificates, and
13. Other topics approved by the Commission.

Section 1803.4 Expiration.

A. Unless renewed, an accreditation certificate shall expire on July 1 following the issuance of the certificate.

B. Following the expiration of accreditation, reinstatement may be accomplished only by reapplication and compliance with all eligibility requirements.

C. An exception to expiration may be granted if, within a 30 day period following the expiration date, the accreditation holder can demonstrate that unavoidable circumstances acceptable to the Commission prevented scheduled renewal of accreditation. An example of such circumstances would be hospitalization due to an accident or illness.

D. Accreditation held by an active duty military service member or the spouse of an active duty military service member deployed outside the State of Arkansas shall not expire until one hundred eighty (180) days following the active duty military service member's or the spouse's return from active deployment.

Subtitle IV. Fees

Section 1804.1 Fee assessment.

A. In order to support the costs of operating the floodplain administrator accreditation program in the state of Arkansas, the Commission will assess the community the following fees:

1. Original accreditation, thirty dollars (\$30.00);
2. Annual renewal of accreditation, twenty dollars (\$20.00); and
3. Late fee for renewal thirty (30) days after expiration of accreditation certificate, fifteen dollars (\$15.00).

B. The Executive Director may establish fees for miscellaneous services provided by the Commission, including photocopying, handling and mailing, providing publications, presenting

education programs, and processing dishonored checks. This list may be updated from time to time as the Executive Director determines necessary.

C. Fees are non-refundable and shall not be prorated.