

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Arkansas Natural Resources Commission
DIVISION Water Resources Management
DIVISION DIRECTOR Edward Swaim
CONTACT PERSON Crystal Phelps
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PRESENTER E-MAIL crystal.phelps@arkansas.gov

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 Rule" below.
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
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? Floodplain Administrator Accreditation Rules

2. What is the subject of the proposed rule? This update addresses hardships that may be experienced by active duty service members, returning military veterans, and their spouses complying with floodplain administrator accreditation rules.

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
Revised January 2017

Procedure Act?

Yes ☐

No ☐

5. Is this a new rule? Yes ☐ No ☒

If yes, please provide a brief summary explaining the regulation. _____

This update is proposed to comply with recent updates to Ark. Code Ann. § 17-1-106. These updates are intended to address hardship experienced by active duty service members, returning military veterans, and their spouses related to compliance with administrative rules regarding the issuance of floodplain administrator accreditation. ANRC proposes adding Section 1802.4 - 1802.6, as well as modification to Section 1803.2 and Section 1803.4, to address temporary accreditation, expedited certification, consideration of military training and experience, license or permit expiration, and continuing education exemptions for active duty service members, returning military veterans, and their spouses. Ark. Code Ann. § 17-1-106 has been added to Section 1801.2, "Enabling and pertinent legislation." The statutory definition of "returning military veteran" has also been added to the definitions found at Section 1801.3. Additionally, Section 1801.5 requiring all floodplain administrators be accredited by July 1, 2004 was deleted. No other changes are proposed.

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. §§ 14-268-106(b) and 15-20-206(a)

7. What is the purpose of this proposed rule? Why is it necessary? See summary above, § 17-1-106.

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). <http://www.anrc.arkansas.gov/>

9. Will a public hearing be held on this proposed rule? Yes ☒ No ☐

If yes, please complete the following:

Date: December 11, 2017

Time: 2 p.m.

Place: St. Francis River Room, ANRC Office

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

Public comment period will be November 27-December 27.

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

March 1, 2018

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. TBD

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). not yet applicable
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. Nutrient management planners

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Natural Resources Commission

DIVISION Water Resources Management

PERSON COMPLETING THIS STATEMENT Crystal Phelps

TELEPHONE (501) 682-3905 **FAX** (501) 682-3991 **EMAIL:** Crystal.phelps@arkansas.gov

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

SHORT TITLE OF THIS RULE Nutrient Management Planner Certification Rules

- | | | |
|---|---|--|
| 1. Does this proposed, amended, or repealed rule have a financial impact? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 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 <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

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

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

Next Fiscal Year

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

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

Current Fiscal Year

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

Total _____

Next Fiscal Year

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

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

\$ 0

Next Fiscal Year

\$ 0

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

\$ 0

Next Fiscal Year

\$ 0

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.

MARKUP

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

Title 18

(Effective Date ~~November 29, 2003~~ March 1, 2018)

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

Title 18

(Effective Date November 29, 2003 amended March 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 Effective date.~~

~~Unless otherwise provided, all designated floodplain administrators must be accredited by July 1, 2004.~~

~~Section 1801.6~~ 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 Accreditation considerations for active duty military and returning military veterans.

When considering an application for full 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 Temporary accreditation for active duty military, returning military veterans, and spouses.

The Commission will issue temporary 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 for active duty military, returning military veterans, and spouses.

The Arkansas Natural Resources Commission shall expedite the process for full accreditation for any person qualifying for temporary accreditation as described by Section 1802.4.

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 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).

(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.

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

Title 18

(amended March 1, 2018)

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

Title 18

(amended March 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 Accreditation considerations for active duty military and returning military veterans.

When considering an application for full 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 Temporary accreditation for active duty military, returning military veterans, and spouses.

The Commission will issue temporary 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 for active duty military, returning military veterans, and spouses.

The Arkansas Natural Resources Commission shall expedite the process for full accreditation for any person qualifying for temporary accreditation as described by Section 1802.4.

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 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).

(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.