



ASA HUTCHINSON  
GOVERNOR

# ARKANSAS AGRICULTURE DEPARTMENT

ARKANSAS FORESTRY COMMISSION  
ARKANSAS LIVESTOCK & POULTRY COMMISSION  
ARKANSAS STATE PLANT BOARD



WES WARD  
SECRETARY OF AGRICULTURE

1 NATURAL RESOURCES DRIVE, LITTLE ROCK, AR 72205 | (501) 225-1598 | AAD.ARKANSAS.GOV

January 14, 2019

TO: Editor Arkansas Democrat-Gazette

FROM: Butch Calhoun, Director  
Arkansas State Plant Board

SUBJECT: Legal Notice

Please publish the enclosed legal notice in the January 16 - 18, 2019 issues of the Arkansas Democrat-Gazette. Please bill us in the usual manner.

BC:ll

Enclosures

CC: Wade Hodge, Attorney, Arkansas Agriculture Department  
Megan Perkins, Governor's Office  
Caleb Stanton, Governor's Office  
Baret Bell, Attorney General's Office  
Arkansas State Library  
U of A Library, Fayetteville



## Legal Notice

### State Plant Board Special Called Board Meeting

The Arkansas State Plant Board will meet at 9:00 am, February 20, 2019 at the Embassy Suites Little Rock, 11301 Financial Centre Parkway, Little Rock, AR 72211.

1. **Consideration to adopt proposed Rule for Licensing, Certification and Permitting of Active Duty Service Members, Returning Military Veterans, and Spouses.**

The proposed rule will allow for greater portability and provide for temporary licensing of military members and spouses with professional or occupational agricultural licenses.

Comments may be mailed to: ATTN: Butch Calhoun, Arkansas State Plant Board, P.O. Box 1069, Little Rock, AR 72203, or emailed to [butch.calhoun@agriculture.arkansas.gov](mailto:butch.calhoun@agriculture.arkansas.gov). Comments will be accepted beginning January 16, 2019 until the close of business February 14, 2019.

The proposed rule change may be viewed on the web page at: [www.aad.arkansas.gov](http://www.aad.arkansas.gov)

Board meetings are open to the public. For further information concerning the meeting, contact Butch Calhoun, Director, at 501-225-1598.

A handwritten signature in black ink, appearing to read "Butch Calhoun", is written over a horizontal line.

Butch Calhoun, Director  
Arkansas State Plant Board

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

DEPARTMENT/AGENCY Arkansas State Plant Board

DIVISION \_\_\_\_\_

DIVISION DIRECTOR Butch Calhoun

CONTACT PERSON Wade Hodge

ADDRESS #1 Natural Resources Drive, Little Rock, AR 72205

PHONE NO. 501-219-6361 FAX NO. 312-7051 E-MAIL Wade.hodge@agriculture.arkansas.gov

NAME OF PRESENTER AT COMMITTEE MEETING Butch Calhoun, Wade Hodge

PRESENTER E-MAIL Wade.hodge@agriculture.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, 5<sup>th</sup> Floor**  
**Little Rock, AR 72201**

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1. What is the short title of this rule? Licensing, Certification and Permitting of Active Duty Service Members, Returning Military Veterans, and Spouses

2. What is the subject of the proposed rule? Licensing of Service members and spouses

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. ACA 17-1-106

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 x☐ No ☐

If yes, please provide a brief summary explaining the regulation. The cited code provision requires the Board to adopt a rule to allow for expedited and temporary licensure of active duty service members, returning veterans and their spouses

Does this repeal an existing rule? Yes ☐ No x☐

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 x☐

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. ACA 17-1-106

7. What is the purpose of this proposed rule? Why is it necessary? Required by the aforementioned code section

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). www.aad.arkansas.gov

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

If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

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

February 14, 2019

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

Upon filing with Secretary of State

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 and the Arkansas State Library 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** Arkansas State Plant Board

**DIVISION** \_\_\_\_\_

**PERSON COMPLETING THIS STATEMENT** Wade Hodge

**TELEPHONE** 501-219-6361 **FAX** 312-7051 **EMAIL:** Wade.hodge@agriculture.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** Licensing, Certification and Permitting of Active Duty Service Members, Returning Military Veterans, and Spouses

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No x ☒
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 x ☒ 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 x ☒ 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**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

**Next Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

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

**Current Fiscal Year**

General Revenue	0
Federal Funds	
Cash Funds	
Special Revenue	
Other (Identify)	
Total	0

**Next Fiscal Year**

General Revenue	0
Federal Funds	
Cash Funds	
Special Revenue	
Other (Identify)	
Total	0

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  
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  
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 x ☐

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 COPY**  
**AGENCY NO. 209-02**

**LICENSING, CERTIFICATION AND PERMITTING OF ACTIVE DUTY  
SERVICE MEMBERS, RETURNING MILITARY VETERANS, AND SPOUSES.**

**I. TEMPORARY ACCREDITATION FOR ACTIVE DUTY MILITARY,  
RETURNING MILITARY VETERANS, AND SPOUSES.**

The Arkansas State Plant Board (ASPB) will issue a temporary license or certificate for any of the ASPB programs to an individual applying for Arkansas accreditation who

A. Holds a substantially equivalent license or certificate issued by another state who is in good standing with that state; and

B. Is one of the following:

1. An active duty military service member stationed in the State of Arkansas;

2. A returning military veteran applying within one (1) year of his or her discharge from active duty; or

3. The spouse of a person described by (2)(A) or (B).

**II. EXPEDITED CERTIFICATION.**

The ASPB shall expedite the certification process for the following individuals:

A. A an active duty military member stationed in 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 described by (1) or (2) of this section.

**III. CONSIDERATION OF MILITARY TRAINING AND EXPERIENCE IN LIEU OF EXPERIENCE OR EDUCATION.**

When considering an application for full licensure, the ASPB shall:

A. Consider whether or not the applicant's military training and experience is substantially similar to experience or education required for the applicable permit or license; and

B. Accept the applicant's military training and experience in lieu of experience or education required for the applicable permit or license if the ASPB determines the military training and experience is a satisfactory substitute for the experience or education required for the permit or license.

**IV. LICENSE OF PERMIT EXPIRATION.**

A license or permit issued by the ASPB held by an active duty military service member or the spouse of an active duty military service member deployed outside 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.



## **V. CONTINUING EDUCATION EXEMPTION.**

**A. The ASPB shall allow a full or partial exemption from continuing education requirements for the following individuals:**

- 1. An active duty military service member stationed in the State of Arkansas;**
- 2. A returning military veteran applying within one (1) year of his or her discharge from active duty; or**
- 3. The spouse of a person under (1) or (2) of this section.**

**B. The Board may require the completion of continuing education before issuing any subsequent renewals.**

## **VI. INVALIDATION**

**A. The temporary permit shall immediately become invalid upon receipt of information obtained from the state or federal criminal background check indicating any offense listed in ACA §17-87-312 or upon notification to the applicant or ASPB of results on the first licensure examination he or she is eligible to take after the permit is issued.**

**B. Falsification of the applicant's criminal record history shall be grounds for disciplinary action by the Board.**

## **VII. FEES AND APPLICATIONS**

**The temporary permit fee shall be submitted with the application. The fee is not refundable.**

## **VIII. AUTHORITY**

**Act 248 of 2017.**