

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



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 _____

**STATE BOARD OF BARBER EXAMINERS
DEPARTMENT OF LABOR AND LICENSING**

SUMMARY OF AMENDMENT TO RULE 7

The proposed amendment to Rule 7 of the State Board of Barber Examiners would eliminate the requirement that an employee of the board seeking the Director's position would have to have two years experience as a board investigator. The applicant would still be required to have two years' experience as a board employee, just not in an investigator position. The alternative qualification of five years' experience as a barber would remain unchanged.

**STATE BOARD OF BARBER EXAMINERS
DEPARTMENT OF LABOR AND LICENSING**

Amend Rule 7 of the Board's Rules as follows:

RULE 7: DIRECTOR AND INVESTIGATOR/INSPECTOR REQUIREMENTS:

A. No person shall be employed in the position of Director unless that person has been:

- 1.** primarily employed in the active practice of barbering for at least five years, or
- 2.** employed as ~~Investigator/Inspector for~~ by the Board for at least two years,
immediately prior to assuming the position of Director.

B. No person shall be employed in the position of Investigator/ Inspector for the Board unless that person has been primarily engaged in the active practice of barbering for at least two years immediately prior to assuming the position of Investigator/Inspector.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Labor and Licensing

DIVISION State Board of Barber Examiners, Division of Occupational and Professional Licensing Board and Commissions

PERSON COMPLETING THIS STATEMENT Denise P. Oxley

TELEPHONE NO. 501-682-4502 **FAX NO.** 501-682-4535 **EMAIL:** denise.oxley@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 Rule 7: Director and Investigator/Inspector Requirements --

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 _____
Federal Funds _____
Cash Funds _____
Special Revenue _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____ -0- _____

General Revenue _____ -0- _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

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

\$ _____ -0- _____

\$ _____ -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

Next Fiscal Year

\$ _____ -0- _____

\$ _____ -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.

LEGAL NOTICE

The State Board of Barber Examiners, Arkansas Department of Labor and Licensing, is accepting public comment on proposed amendments to its administrative rules. The proposed amendment to Rule 7 would eliminate the requirement that an employee of the board seeking the Director's position would have to have two years of experience as a board investigator. The applicant would still be required to have two years of experience as a board employee, just not as an investigator. Only an investigator is required to have experience as a barber. The alternative qualification of five years of experience as a barber would remain unchanged.

Written comment will be accepted by the board through Monday, May 10, 2021 at 4:30 p.m. either by mail or email to the following addresses:

State Board of Barber Examiners
Arkansas Department of Labor and Licensing
900 West Capitol, Suite 400
Little Rock, AR 72201
barber.examiners@arkansas.gov

A copy of the proposed amendment can be accessed at the board's website at:
<https://www.arbarber.com>. A copy may also be obtained by calling the board's office at (501) 682-4035.

State Board of Barber Examiners

This Legal Notice will be published in the Arkansas Democrat-Gazette April 4 -6, 2021.