

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

DEPARTMENT/AGENCY	Arkansas Water Well Construction Commission				
DIVISION	Arkansas Natural Resources Commission, Water Management				
DIVISION DIRECTOR	Earl Smith				
CONTACT PERSON	Crystal Phelps				
ADDRESS	101 E. Capitol, Suite 350, Little Rock, Arkansas 72201				
PHONE NUMBER	682-3905	FAX NO.	682-3991	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 attached to the front of two (2) copies of your proposed rule and mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Research
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

1. What is the short title of this rule?

2009 AWWCC Proposed Rule Revisions

2. What is the subject of the proposed rule?

The Commission is proposing amendments for three purposes: to implement changes brought about by Act 371 of 2009, to eliminate a problematic requirement for apprentices, and to provide further direction for persons abandoning wells.

3. Is this rule required to comply with federal statute or regulations? Yes No

If yes, please provide the federal 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 regular 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 Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 markup 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 should be clearly labeled "mark-up".

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

Ark. Code Ann. § 17-50-101 et seq. and Act 371 of 2009.

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

The Commission is a cash-funded agency and these rules increase operating fees to amounts allowed by Act 371 of 2009. Act 371 also created a well drilling-only license and these changes reflect the availability of that license. Revisions to Rule 3.10 enable a person to qualify for apprenticeship status without having worked a year for a water well contractor. Rules 5.8 and 8.41 -8.44 support and describe safe methods for abandoning water wells.

8. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: Thursday, May 28, 2009

Time: 9:30 a.m.

Place: Arkansas River Room, 101 E. Capitol, Suite 350, Little Rock, AR 72201

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

June 14, 2009 at 4:30 p.m.

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

August 1, 2009

11. Do you expect this rule to be controversial? Yes No If yes, please explain.

12. 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 Water Well Construction Commission
DIVISION: Arkansas Natural Resources Commission, Water Management
PERSON COMPLETING THIS STATEMENT: Crystal Phelps
TELEPHONE NO.: 682-3905 **FAX NO.:** 682-3991 **EMAIL:** crystal.phelps@arkansas.gov

FINANCIAL IMPACT STATEMENT

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE:

2009 AWWCC Proposed Rule Revisions

1. Does this proposed, amended, or repealed rule have a financial impact?
 Yes X No

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibitive, please explain. N/A

3. If the purpose of this rule is to implement a federal rule, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program. N/A

Current Fiscal Year

Next Fiscal Year

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

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

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____
 \$ _____
 \$ _____
 \$ _____

\$ _____
 \$ _____
 \$ _____
 \$ _____

Each contractor will be affected differently since each contractor has the opportunity to pick type of license, to choose how many people to employ, and to determine what fees he will pay on their behalf.

Currently, a water well contractor pays \$280 or \$70 for a license depending on type of license. The new fees will increase these costs by \$70 or \$125. In some instances, some persons will end up paying \$95 less for a license. Each contractor employs at least one individual certified by the Commission. Registration fees for these individuals was \$100 last year and will be \$125 at the new rates. Each contractor also permits at least one rig and these fees will increase from \$115 to \$145.

Other revisions will not financially impact persons subject to these rules.

5. What is the total estimated cost by fiscal year to the agency to implement this rule?

The Commission's database and forms will have to be updated to reflect the new licensure category. This will probably cost the agency about \$2,000 the year that consultant services are purchased. There will be no other costs to the agency for implementing these rules.

Current Fiscal Year

\$ _____

\$ _____

Next Fiscal Year

\$ _____

\$ _____