

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

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____

3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

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

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.



DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

ATTACHMENT: LEGISLATIVE QUESTIONNAIRE

Question Number 2:

Regulation of containers and equipment used in the delivery and storage of liquefied petroleum gas.

Question Number 7:

5 CAR Sec. 270-101, "General Order"; 15 CAR Sec. 270-111, "Containers"; 15 CAR 270-112, "Fittings and assembling"; 15 CAR Sec. 270-113, "Tank trucks construction and assembly"; 15 CAR Sec. 270-114, "Fuel tanks and vaporizers"; 15 CAR Sec. 270-115, "Tank trucks--Operation"; 15 CAR Sec. 270-116, "Servicing and filling containers"; 15 CAR Sec. 270-117, "Farm vehicles and trailers"; 15 CAR Sec. 270-118, "Storage Containers"; 15 CAR Sec. 270-119, "Vaporizers and housing"; 15 CAR Sec. 270-120, "Installation and painting of containers"; 15 CAR Sec. 270-121, "Appliances"; 15 CAR Sec. 270-122, "Venting."

Question Number 11:

The current requirements in the LP Gas Code have been in place since 1965 and are outdated. The purpose of passing Act 441 of 2025 was to provide the LP Gas Board with the authority to modernize its rules and standards. The current national standards followed by many states are NFPA 54 and NFPA 58. The rules proposed by the Board adopt these standards as they are set forth in the 2024 editions. By adopting these standards, the Board will accommodate the interest of the liquefied petroleum gas industry to develop a national regulatory scheme that is consistent, predictable, and encourages economic growth.

The proposed rules also include current rules and new Arkansas-specific rules that assist the Board in maintaining oversight in the industry and establish Arkansas specific requirements for safety education and industry permits.

Overall, the new rules are necessary to satisfy legislative mandates of Act 441 of 2025, establish national standards for the liquefied petroleum gas industry, and maintain regulatory authority of the LP Gas Board to regulate the industry in the State of Arkansas.