

REVISED AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council

Thursday, March 14, 2024
10:00 AM
Room A, MAC
Little Rock, Arkansas

Sen. Kim Hammer, Co-Chair
Sen. Missy Irvin, Vice-Chair
Sen. Jonathan Dismang
Sen. Jane English
Sen. Jimmy Hickey, Jr
Sen. Bart Hester
Sen. Breanne Davis
Sen. Ricky Hill
Sen. Terry Rice, ex officio
Sen. Ben Gilmore, ex officio

Rep. Brian S. Evans, Co-Chair
Rep. DeAnn Vaught, Vice-Chair
Rep. Lane Jean
Rep. Matthew J. Shepherd
Rep. Jon S. Eubanks
Rep. Carol Dalby
Rep. Jon Milligan
Rep. Mark H. Berry
Rep. Jeff Wardlaw, ex officio
Rep. Bruce Cozart, ex officio

- A. Call to Order**
- B. Reports from the Executive Subcommittee Concerning Emergency Rules**
- C. Reports from ALC Subcommittees Concerning the Review of Rules**
- D. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309**
 - 1. ARKANSAS TEACHER RETIREMENT SYSTEM (Mark White, Jennifer Liwo)**
 - a. Rule 0-1: ATRS Rules of Organization and Operation (p.1)**
 - b. Rule 4: Election of Board of Trustees (p.2)**
 - ~~**e. Rule 6: Membership and Employer Participation**~~
 - d. Rule 7: Service Credit, Contributions, Reporting, and Final Average Salary (p.3)**
 - e. Rule 8: Free Service Credit, Purchasable Service Credit, and Purchase Accounts (p.6)**
 - f. Rule 9: Retirement and Benefits (p.10)**
 - g. Rule 10: Return to Service and Teacher Deferred Retirement Option Plan (p.15)**

Note: All exhibits for this meeting are available by electronic means and are accessible on the General Assembly's website at www.arkleg.state.ar.us.

Notice: Silence your cell phones. Keep your personal conversations to a minimum. Observe restrictions designating areas as *'Members and Staff Only'*.

- h. **Rule 11: Survivors and Domestic Relations Orders (p.16)**
 - i. **Rule 12-1: Protection of “Qualified Trust” Status of the Arkansas Teacher Retirement System under Internal Revenue Code § 401(a) (p.23)**
 - j. **Rule 13-1: Administrative Adjudications and Informal Resolutions: Staff Determinations and Manifest Injustice Referrals (p.24)**
 - k. **Rule 14-1: Retirement Fund Asset Accounts (p.26)**
 - l. **Rule 15-1: Benefit Restoration Plan and Trust (p.27)**
 - m. **Rule 16: Cash and Savings Help (CASH) Program (p.28)**
 - n. **REPEAL – Rule 17-1: Manifest Injustice (p.28)**
 - o. **REPEAL – Rule 5-1: Investment Introduction (p.29)**
 - p. **REPEAL – Rule 5-2: Standard of Care (p.30)**
 - q. **REPEAL – Rule 5-3: Asset Allocation (p.31)**
 - r. **REPEAL – Rule 5-4: Investment Goals (p.32)**
 - s. **REPEAL – Rule 5-6: Investment Consultants (p.33)**
 - t. **REPEAL – Rule 5-7: Investment Managers (p.34)**
 - u. **REPEAL – Rule 5-8: Soft Dollars (p.35)**
- 2. DEPARTMENT OF AGRICULTURE, ARKANSAS NATURAL RESOURCES COMMISSION (Chris Colclasure, Ryan Benefield, Corey Seats)**
- a. **Retail Water Provider Rules (p.36)**
- 3. DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Amanda Rose)**
- a. **Term and Universal Life Insurance Reserve Financing (p.37)**
- 4. DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Andrés Rhodes, Daniel Shults)**
- a. **Rules Governing Payments Under the Educational Freedom Account Program (p.38)**
 - b. **Rules Governing Tutoring Grants (p.43)**

- 5. DEPARTMENT OF HEALTH, ARKANSAS DIETETICS LICENSING BOARD (Matt Gilmore, Pam Tanner)**
 - a. Arkansas Dietetics Licensing Board Rules (p.48)**
- 6. DEPARTMENT OF HEALTH, BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY (Matt Gilmore, Nathaniel Roe)**
 - a. Arkansas Board of Examiners in Speech-Language Pathology and Audiology Rules (p.49)**
- 7. DEPARTMENT OF HEALTH, STATE BOARD OF EXAMINERS OF ALCOHOLISM AND DRUG ABUSE COUNSELORS (Matt Gilmore, Jacob Smith)**
 - a. Rules Governing Alcoholism and Drug Abuse Counselors (p.50)**
- 8. DEPARTMENT OF HEALTH, STATE BOARD OF HEALTH (Laura Shue)**
 - a. Controlled Substances List (p.51)**
 - b. Rules Pertaining to the State Board of Sanitarians (p.57)**
 - c. Rules Pertaining to Septic Tank Cleaners (p.57)**
 - d. Rules Pertaining to Water Operator Licensing (p.58)**
- 9. DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY OPERATIONS (Mary Franklin, Mitch Rouse)**
 - a. SNAP Resource Limits Changes (p.59)**
 - b. Transitional Employment Assistance and Work Pays Updates Pursuant to Acts 266 and 832 of 2023 (p.62)**
- 10. DEPARTMENT OF HUMAN SERVICES, DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (Melissa Weatherton, Thomas Tarpley, Mitch Rouse)**
 - a. Community and Employment Supports (CES) Agency Provider Standards & REPEALS: Arkansas Refugee Resettlement Program State Plan; DHS Policy 3007 – Options Counseling (p.65)**
 - b. Developmental Screen for Children (48 to 60 Months) (p.67)**
- 11. DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Elizabeth Pitman, Mitch Rouse)**
 - a. Provider Refunds and Primary Care Provider Qualification Updates (p.69)**

- 12. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF LABOR (Ralph Hudson, Lacie Kirchner)**
 - a. **Administrative Rules Relating to the Arkansas Amusement Ride and Amusement Attractions Safety Insurance Act (p.72)**
- 13. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF LABOR, BOARD OF ELECTRICAL EXAMINERS OF THE STATE OF ARKANSAS (Lindsay Moore, Lacie Kirchner)**
 - a. **Rule 010.13-009 of the Board of Electrical Examiners (p.73)**
- 14. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS REAL ESTATE COMMISSION (Andrea Alford, Lacie Kirchner)**
 - a. **10.25 – Waiver of Certain Requirements for Principal Brokers (p.73)**
- E. **Request for Expedited Repeal of Rules Not Meeting the Definition of a Rule Under the Arkansas Administrative Procedure Act Pursuant to Act 65 of 2021**
 - 1. **ARKANSAS PUBLIC DEFENDER COMMISSION (Charlotte Bogan)**
 - a. **Minimum Standards**
- F. **Agency Updates on the Status of Outstanding Rulemaking from the 2021 Regular Session Pursuant to Act 595 of 2021**
 - 1. **Department of Education (Andrés Rhodes, Daniel Shults)**
- G. **Agency Requests to Be Excluded from Reporting Requirements of Act 595 of 2021**
 - 1. **Department of Education (Act 637 of 2023) (Andrés Rhodes, Daniel Shults)**
- H. **Agency Monthly Written Updates Pursuant to Act 595 of 2021 Concerning Rulemaking from the 2023 Regular Session**
- I. **Evaluation of Rule Review Group 2 Agencies Pursuant to Act 781 of 2017 and Act 65 of 2021 (Marty Ryall, Clay Stone)**
 - 1. **Department of Parks, Heritage, and Tourism – Capitol Zoning District Commission**
 - 2. **Department of Parks, Heritage, and Tourism – Division of Heritage**
- J. **Adjournment**