

**REPORT OF THE  
ADMINISTRATIVE RULES SUBCOMMITTEE  
OF THE  
ARKANSAS LEGISLATIVE COUNCIL**

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**May 21, 2021**

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**Co-Chairs:**

**May 6, 2021 Meeting**

**The Administrative Rules Subcommittee met on Thursday, May 6, 2021, at 1:30 p.m., in Room A, MAC.**

- 1. The Executive Subcommittee referred the emergency promulgation of the State Plant Board’s Pesticide Classification Rules – Dicamba to the Administrative Rules Subcommittee to consider and make recommendations. After testimony from the agency and members of the public, the Administrative Rules Subcommittee made no recommendations to the Executive Subcommittee.**

**May 19, 2021 Meeting**

**The Administrative Rules Subcommittee met on Wednesday, May 19, 2021, at 9:00 a.m., in Room A, MAC.**

- 1. The Subcommittee adopted the attached Rules of the Administrative Rules Subcommittee.**
- 2. The Subcommittee adopted the attached Executive Subcommittee Reports concerning emergency rules.**
- 3. The Subcommittee reviewed and filed the following Quarterly Reports on Administrative Directives pursuant to Act 1258 of 2015:**
  - a. Department of Corrections (Ms. Lindsay Wallace)**
    - i. For the quarter ending December 31, 2020**
    - ii. For the quarter ending March 31, 2021**

- b. **Parole Board (Ms. Lindsay Wallace)**
  - i. **For the quarter ending December 31, 2020**
  - ii. **For the quarter ending March 31, 2021**
- 4. **The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF AGRICULTURE, STATE PLANT BOARD (Mr. Wade Hodge, Mr. Scott Bray)**

- a. **Pesticide Applicators Rule**
- b. **Adoption of National Institute of Standards and Technology (NIST) Handbooks**

**DEPARTMENT OF COMMERCE, ARKANSAS DEVELOPMENT FINANCE AUTHORITY (Mr. Mark Conine, Mr. John Blackwell)**

- a. **2021 Arkansas Development Finance Authority Qualified Allocation Plan**

**DEPARTMENT OF COMMERCE, DIVISION OF WORKFORCE SERVICES, BLIND SERVICES (Ms. Cassondra Williams, Dr. Megan Lamb)**

- a. **DSB Policy and Procedure Manual**
- b. **DSB Older Individuals Who Are Blind (OIB) Policy Manual**

**DEPARTMENT OF HEALTH, HEALTH FACILITY SERVICES (Ms. Laura Shue)**

- a. **Rules for Abortion Facilities**

**DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF NURSING (Ms. Sue Tedford, Mr. David Dawson, Mr. Matt Gilmore)**

- a. **Chapter One – General Provisions**
- b. **Chapter Two – Licensure: RN, LPN, and LPTN**
- c. **Chapter Four – Advanced Practice Registered Nurse**

- d. Chapter Six – Standards for Nursing Education Program**
- e. Chapter Seven – Rules of Procedure**
- f. Chapter Eight – Medication Assistant – Certified**
- g. Chapter Nine – Insulin and Glucagon Administration**

**DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED  
BOARDS AND COMMISSIONS, STATE BOARD OF PHYSICAL  
THERAPY (Ms. Nancy Worthen, Mr. Matt Gilmore)**

- a. Arkansas State Board of Physical Therapy Rules**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL & PROFESSIONAL LICENSING BOARDS AND  
COMMISSIONS, FIRE PROTECTION LICENSING BOARD (Ms. Denise  
Oxley, Mr. Jim Holub)**

- a. Fire Protection Licensing Board Sprinkler Rule (Rule 1)**
- b. Fire Protection Licensing Board Portable/Fixed Rule (Rule 2)**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL & PROFESSIONAL LICENSING BOARDS AND  
COMMISSIONS, MANUFACTURED HOME COMMISSION (Mr. Aaron  
Howard)**

- a. Rules for Modular Homes**

**DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS  
STATE POLICE (Ms. Mary Claire McLaurin)**

- a. Rule 5.8 – Required Company Information Display**

**COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC  
FACILITIES AND TRANSPORTATION (Ms. Lori Freno)**

- a. CAPSAFT Rules Governing the Academic Facilities Partnership  
Program; Section 6.02 Only**

5. **At the agency's request, the following rules were pulled from consideration at the Subcommittee meeting:**

**STATE BOARD OF FINANCE**

- a. **Arkansas State Treasury Investment Policy**
  - b. **Arkansas State Treasury Money Management Trust Policy**
6. **The Subcommittee received an agency update on delinquent rulemaking under Act 517 of 2019.**

**Respectfully submitted,**

**Senator Kim Hammer, Co-Chair**

**Representative Les Eaves, Co-Chair**

## RULES OF THE ADMINISTRATIVE RULES SUBCOMMITTEE OF THE LEGISLATIVE COUNCIL

**Section 1. Review and Approval of State Agency Rules.** In accordance with Arkansas Code § 10-3-309, the following procedures shall apply with regard to review and approval of state agency rules:

**(a) Definitions.** As used in these rules:

(1)(A) “Rule” means a state agency statement of general applicability and future effect that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice of a state agency and includes without limitation the amendment or repeal of a prior rule.

(B) “Rule” does not mean:

(i) A statement that concerns the internal management of a state agency and that does not affect the private rights or procedures available to the public;

(ii) A declaratory order or ruling issued under § 25-15-206 or other provision of law applicable to the state agency issuing the declaratory order or ruling; or

(iii) Intraagency memoranda; and

(2)(A) “State agency” means an office, board, commission, department, council, bureau, or other agency of state government having authority to promulgate or enforce rules.

(B) “State agency does not include the following:

(i) The Arkansas State Game and Fish Commission, if the rule is not promulgated under the authority of a statute enacted by the General Assembly;

(ii) The State Highway Commission and the Arkansas State Highway and Transportation Department, if the rule is not promulgated under authority of a statute enacted by the General Assembly; and

(iii) An institution of higher education.

**(b) Filing of Rules with the Legislative Council.**

(1) A state agency shall file a proposed rule with the Legislative Council at least thirty (30) days before the expiration of the period for public comment on the rule under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or other laws or policies pertaining to the rulemaking authority of that state agency.

(2) The Legislative Council shall refer all proposed rules filed by a state agency with the Administrative Rules ~~and Regulations~~ Subcommittee.

~~(3)(A) If an agency determines that a newly enacted law requires the repeal or amendment of an existing rule or the adoption of a new rule and the newly enacted law does not provide a specific date for the repeal, amendment, or adoption of the rule, the proposed version of the new, amended, or repealed rule shall be filed with the Legislative Council sufficiently in advance of the dates set forth in Arkansas Code § 25-15-216(b)(1) so that the Subcommittee and the Legislative Council may consider the rule for review and approval before the appropriate date.~~

~~(B)(i) If an agency fails to file the final version of the new, amended,~~

~~or repealed rule for adoption as required by law, the executive head of the agency at issue or his or her designee shall appear before the Subcommittee on a monthly basis until the final version of the new, amended, or repealed rule is filed for adoption with the Secretary of State.~~

~~(ii) When appearing before the Subcommittee, the executive head of the agency at issue or his or her designee shall:~~

~~(a) Describe why the agency has been unable to comply with Arkansas Code § 25-15-216(b)(1);~~

~~(b) Provide an update on the current status of the necessary rule changes;~~

~~(c) Describe the steps the agency is taking to address the failure to comply; and~~

~~(d) Provide an anticipated date for when the final version of the new, amended, or repealed rule will be filed for adoption with the Secretary of State.~~

**(c) Placement of Rules on the Subcommittee Agenda.** In order to have a rule placed on an upcoming Subcommittee agenda, the following requirements must be met:

(1)(A) The public comment period of the state agency's proposed rule shall have expired by the 15<sup>th</sup> of the month prior to the Subcommittee meeting date at which the state agency would like the proposed rule to appear on the agenda.

(B)(i) A request by a state agency to have a rule appear on a Subcommittee agenda when the public comment period of the state agency's proposed rule had not expired by the 15<sup>th</sup> of the month prior to that subcommittee meeting date, shall be accompanied by a statement as to why the rule cannot wait to be heard at the next regularly scheduled meeting of the Subcommittee.

(ii) The rule may only be considered by the Subcommittee upon a vote to suspend the rules, which requires an affirmative vote of two-thirds (2/3) of a quorum. Upon passage of the motion to suspend the rules, the Subcommittee may take up consideration of the rule; and

(2) The state agency shall provide the Subcommittee staff by the 15<sup>th</sup> of the month prior to the Subcommittee meeting date with the following information, which is in addition to the information previously required to have been submitted under subsection (d) of this Rule:

(A) A public comment summary that includes for each comment received: the name of the commenter, if known; a summary of the comment; and a response by the agency to the comment;

(B) A revised markup of the proposed rule that shows changes, if any, that were made subsequent to the initial rule filing with the Subcommittee; and

(C) Any additional information requested by the Legislative Council, including without limitation the state agency's responses to any questions and comments submitted to the state agency by Subcommittee staff concerning the proposed rule.

**(d) Materials to be Provided by a State Agency When Filing a Rule.** Upon filing of a proposed rule with the Subcommittee, the state agency shall submit the following documentation:

- Council;
- (1) A completed questionnaire on a form approved by the Legislative Council;
  - (2) A financial impact statement, as required by Arkansas Code § 25-15-204, on a form approved by the Legislative Council;
  - (3) A summary of the proposed rule; and
  - (4) The proposed rule and any markup to the proposed rule.

**(e) Public Comment.** When conducting its review of a state agency rule, the Subcommittee shall allow members of the public a reasonable opportunity to comment on the proposed rule.

**(f) Review and Approval.**

(1) Except as set forth in subsection (f)(6) of this Rule, upon conclusion of its review of the proposed rule, the Chair of the Subcommittee shall state, "Without objection, the rule is considered reviewed and approved."

(2) At this point, the rule is considered reviewed and approved, pending Legislative Council final action, unless a majority of a quorum present at the Subcommittee meeting request that the Subcommittee vote on the issue of approving the rule.

(3)(A) At the time that the motion is made to vote regarding approval, the member making the motion shall state the grounds upon which approval should be denied.

(B) The only viable grounds for not approving a rule shall be if the rule is found to be inconsistent with state or federal law or with legislative intent.

**[Act 1101]** (C) If a rule contains a fee or penalty promulgated in accordance with Arkansas Code § 25-15-105, the Subcommittee may choose not to approve the rule for any reason, and is not required to state the grounds for not approving.

(4) If the Subcommittee votes on the issue of approving the proposed rule, the proposed rule shall be considered approved unless a majority of a quorum present vote for the rule to not be approved.

(5)(A) The Subcommittee shall not exercise line-item review and approval of a proposed rule. Review and approval of the proposed rule shall apply to the entire proposed rule as submitted by the state agency.

(B) If a state agency presenting a proposed rule to the Subcommittee indicates its intent or agreement to revise a proposed rule in response to discussions by the Subcommittee, and revision of the rule in such a manner would not violate any of the requirements of the Administrative Procedure Act, the Subcommittee may review and approve the proposed rule with the revisions agreed to by the state agency.

(6)(A) A proposed rule submitted by the State Board of Health under Arkansas Code § 20-7-604(d)(2)(D), concerning exemptions from the requirements of the Prescription Drug Monitoring Program, shall be considered reviewed and approved by the Subcommittee upon an affirmative vote of three-fourths (3/4) of the members present when a quorum is present.

(B) When considering a rule submitted under this subsection (f)(6)(A), the requirement to state the grounds for not approving a rule under subsection (f)(3)(B) shall not apply.

(7)(A) [Effective July 24, 2019] If enacted legislation requires or results in

more than one (1) state agency adopting, amending, or repealing rules on a similar subject matter:

(i) A state agency or a member of the General Assembly may request that all proposed rules filed with the Legislative Council regarding the enacted legislation be grouped together and considered as a single group;

(ii) A request to group the proposed rules shall be submitted in writing to one of the co-chairs of the Subcommittee at least one (1) business day prior to the meeting of the Subcommittee at which the rules will be considered; and

(iii) Approval of a request to group proposed rules shall be by affirmative vote of a majority of the members present when a quorum is present.

(B) If the proposed rules are grouped together under subdivision (f)(7)(A) of this section for review, the Subcommittee may:

(i) Separate the proposed rules at the request of a member of the General Assembly or one (1) of the state agencies that promulgated the proposed rules; and

(ii) Elect to consider one (1) or more of the proposed rules separated from the group.

**(g) Referral of Proposed Rules.**

(1)(A) The Subcommittee may refer a rule to a committee of the General Assembly or another subcommittee of the Legislative Council for the committee's or subcommittee's consideration.

(B) However, in doing so, the Subcommittee shall not delegate its authority to review and approve a rule to that committee or subcommittee.

(2) After the referred rule is presented to a committee of the General Assembly or subcommittee of the Legislative Council and considered, the committee or subcommittee to whom the rule was referred may provide its views and opinions on the rule to the Subcommittee.

(3) Either chair of the Subcommittee may determine that there is an undue delay in the review of the proposed rule by the committee or subcommittee to which it was referred and recall the proposed rule in order to begin the review and approval process by the Subcommittee.

**(h) Statutory Requirement for Review by a Specific Subject Matter Committee.**

(1) If a statute requires a proposed rule to be reviewed or considered by a specific subject matter committee or subcommittee, the subject matter committee or subcommittee shall consider the proposed rule before the Subcommittee undertakes review and approval of the proposed rule.

(2)(A) Either chair of the Subcommittee may waive the requirement of subsection (h)(1) if he or she determines that prior review by the subject matter committee or subcommittee will or has already resulted in an undue delay in the review and approval process.

(B) A waiver shall not be granted if the state agency has not provided the required information under subsections (c)(2) and (d) of this Rule.

(C) Issuance of a waiver by either chair of the Subcommittee does not remove the statutory requirement of review or consideration by the subject matter



committee or subcommittee, and the state agency shall still comply with all statutory requirements regarding review by legislative committees.

**(i) Review and Approval of Emergency Rules.** The following procedures apply with regard to the review and approval of proposed emergency rules:

(1) A state agency shall file a proposed emergency rule with the Executive Subcommittee of the Legislative Council.

(2) A proposed emergency rule may be considered reviewed and approved by the Executive Subcommittee in one of two ways:

(A)(i) The proposed emergency rule is reviewed and approved at a meeting of the Executive Subcommittee.

(ii) Upon conclusion of the Executive Subcommittee's review of the proposed emergency rule, the rule shall be considered approved unless a majority of a quorum present request a vote regarding approval of the proposed emergency rule. If the Executive Subcommittee votes on the issue of approval, the proposed emergency rule shall be approved unless a majority of a quorum present vote for the proposed emergency rule not to be approved.

(iii)(a) At the time that the motion is made to vote regarding approval, the member making the motion shall state the grounds upon which approval should be denied.

(b) The only viable grounds for not approving a rule shall be if the rule is found to be inconsistent with state or federal law or legislative intent.

**[Act 1101]** (c) If an emergency rule contains a fee or penalty promulgated in accordance with Arkansas Code § 25-15-105, the Executive Subcommittee may choose not to approve the rule for any reason, and is not required to state the grounds for not approving.

(B) A majority or more of the members of the Executive Subcommittee approve the proposed emergency rule in writing.

(3)(A) If possible, the proposed emergency rule shall be sent electronically to the members of the Legislative Council at least one (1) day before the Executive Subcommittee considers the emergency rule for review and approval.

(B) Either chair of the Legislative Council or a majority of the members of Legislative Council may call a meeting to be held within one (1) day after review and approval by the Executive Subcommittee of the emergency rule to request reconsideration of the emergency rule by the Executive Subcommittee.

(4) A proposed emergency rule approved by the Executive Subcommittee shall be reported to the Administrative Rules and Regulations Subcommittee and to the Legislative Council.

**(j) Review and Approval of Rules Concerning Occupational Licensure of Active Duty Service Members, Returning Military Veterans, and Their Spouses. [Act 135]**

(1) An occupational licensing entity requesting review and approval of proposed rules recommending an expedited process and procedure for occupational licensure of active duty service members, returning military veterans, and their spouses shall file the proposed rules with the Subcommittee before the proposed rules are promulgated under the Administrative Procedure Act, Arkansas Code § 25-15-201, et seq.

(2) If an occupational licensing entity files proposed rules recommending an expedited process and procedure for occupational licensure of active duty service members, returning military veterans, and their spouses, pursuant to Arkansas Code § ~~17-1-106(e)~~ 17-4-101, et seq., with the Legislative Council, the Subcommittee shall:

(A) Review the proposed rules of the occupational licensing entity as submitted for public comment at least thirty (30) days before the public comment period ends; and

(B) Conduct a review and approval process regarding the proposed rules based on:

(i) A determination of whether the expedited process and procedure provide the least restrictive means of accomplishing occupational licensure; and

(ii) Any other criteria the Subcommittee determines necessary to achieve the objectives of Arkansas Code § ~~17-1-106(e)~~ 17-4-101, et seq.

~~(3) The review and procedure process for proposed rules under this subsection (j) shall be completed within one (1) year of the effective date of Act 820 of 2019.~~

**(k) Promulgation of Rules Following a Regular Session. [Act 595]**

~~(1) No later than sixty (60) days following the sine die adjournment of a regular session of the General Assembly, the Bureau of Legislative Research shall file with the Subcommittee a report identifying the rules required by newly enacted laws that it has determined shall be filed for adoption on or before June 1 of the year following a regular session of the General Assembly. The report shall only include rules specifically required by a newly enacted law.~~

~~(2)(A) The executive head of an agency or his or her designee shall provide monthly written updates to the Subcommittee on the agency's progress in promulgating a rule it determines is required as a result of the agency's review under Arkansas Code § 25-15-216(a)(1), including without limitation, a rule identified in the report under (k)(1) until the final version of the new, amended, or repealed rule is filed for adoption with the Secretary of State, which shall be:~~

~~(i) On or before June 1 of the year following the regular session or fiscal session at which the law requiring promulgation was enacted; or~~

~~(ii) On or before the one hundred eightieth day following sine die adjournment of the special session at which the law requiring promulgation was enacted.~~

~~(B)(i) If an agency fails to file the final version of the new, amended, or repealed rule for adoption by the deadlines set out in subdivision (k)(2)(A) of this rule, the executive head of the agency at issue or his or her designee shall then appear before the Subcommittee on a monthly basis until the final version of the rule is filed for adoption with the Secretary of State.~~

~~(ii) The appearance in person required by subdivision (k)(2)(B)(i) shall be in lieu of a monthly written update.~~

~~(iii) When appearing in person before the Subcommittee, the executive head of the agency shall:~~

~~(a) Describe why the agency has been unable to file the rule for adoption by the deadlines established by Arkansas Code § 25-15-216 (b)(1);~~

(b) Provide an update on the current status of the necessary rule changes;

(c) Describe the steps the agency is taking to address the failure to file the rules for adoption; and

(d) Provide an anticipated date for when the final version of the new, amended, or repealed rule will be filed for adoption with the Secretary of State.

(C)(i) An agency shall not be required to appear before the Subcommittee under subdivision (k)(2)(B) of this rule, if the agency provides the Subcommittee with written notification that the newly enacted law requiring the new, amended, or repealed rule is the subject of litigation.

(ii) The agency shall provide the Subcommittee with written notification when the litigation is resolved.

(D)(i) If an agency believes that a rule required by a newly enacted law is not necessary for the operation of the newly enacted law, the agency may submit a written request to the Subcommittee:

(a) Notifying the Subcommittee of the agency's intent to not adopt the required rule; and

(b) Requesting that the rule be excluded from the reporting requirements set forth in subdivisions (k)(2)(A)-(C) of this rule.

(ii) The Subcommittee may, by an affirmative vote of a majority of the members present when a quorum is present, exclude an agency from the requirements of subdivisions (k)(2)(A)-(C) of this rule if the Subcommittee determines that the required rule is not necessary, including without limitation determining that the required rule would merely restate the newly enacted law.

**Section 2. Appeals of Rule Codification Decisions.** Under Act 662 of 2019, the Bureau of Legislative Research was tasked with compiling, formatting, and indexing a codification of the general and permanent rules of agencies to be known as the "Code of Arkansas Rules". An agency that objects to the form of the codification of a rule or a technical correction made [Act 64] by the Bureau of Legislative Research may appeal the codification of the rule to the Subcommittee, as follows:

**(a) Notification of Appeal.**

(1) An agency may file an appeal of a codification decision or a technical correction made by the Bureau of Legislative Research to the Subcommittee.

(2) The appeal shall be filed in writing with the Subcommittee on the appeal form approved by the Subcommittee.

(3)(A) In order to have the appeal placed on the next regularly scheduled Subcommittee meeting agenda, the appeal form and all supporting documentation shall have been submitted to the Subcommittee staff no later than ten (10) calendar days prior to the scheduled Subcommittee meeting.

(B) An appeal submitted after the submission date shall only be considered by the Subcommittee at its next regularly scheduled meeting upon a suspension of the rules, which requires an affirmative vote of two-thirds (2/3) of a quorum.

(C) This option shall only be exercised upon a written showing that there is imminent need for the appeal to be considered that cannot wait until the next regularly scheduled meeting of the Subcommittee.

(D) Otherwise the appeal shall appear on the following Subcommittee meeting agenda.

(4) Upon submission of an appeal of a codification decision or technical correction to the Subcommittee, the Bureau of Legislative Research shall cease all codification work related to the rule that is the subject of the appeal until such time that the appeal has been resolved and final approval given by the Legislative Council.

**(b) Subcommittee Consideration and Recommendation.**

(1) The agency who has filed the appeal shall appear before the Subcommittee to present its appeal.

(2) The Subcommittee, by a majority vote of the members present when a quorum is present, shall adopt a recommendation to the Legislative Council regarding the resolution of the appeal, and shall submit its recommendation to the Legislative Council in a written report.

**(c) Final Determination by Legislative Council.** The Legislative Council shall make the final determination regarding an agency's appeal of a codification decision or technical correction by the Bureau of Legislative Research based on the recommendation and documentation provided to it by the Subcommittee. The determination of the Legislative Council is final.

# ARKANSAS LEGISLATIVE COUNCIL

Officers

**Senator Cecile Bledsoe**

Senate Chair

**Representative Jeff Wardlaw**

House Chair

**Senator Terry Rice**

Senate Vice Chair

**Representative Jim Dotson**

House Vice Chair



Room 315, State Capitol Building  
Little Rock, AR 72201

**Marty Garrity**  
Executive Secretary

Tel: 501-682-1937

Fax: 501-682-1936

December 18, 2020

Senator Lance Eads  
Senate Co-Chair  
Administrative Rules Review Section  
*via email*

Representative Dan Sullivan  
House Co-Chair  
Administrative Rules Review Section  
*via email*

Dear Co-Chairs:

This letter is to notify you that, pursuant to Act 1258 of 2015, the Executive Subcommittee met on December 18, 2020 to consider the request from the Arkansas Insurance Department to review and approve the following emergency rule:

- ***Arkansas Insurance Department - Rule 122: Prior Authorization Waivers For Post-Acute Transfers, prohibiting prior authorization or pre-certification requirements by health benefit plans on insured patients transferring from a hospital to a post-acute.***

A copy of the emergency rule is attached for your information.

The emergency rule was reviewed and approved, and the review and approval shall be effective upon adjournment of Arkansas Legislative Council, Friday, December 18, 2020.

Respectfully,

Handwritten signature of Senator Cecile Bledsoe in cursive.

Senator Cecile Bledsoe  
Senate Co-Chair  
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw in cursive.

Representative Jeff Wardlaw  
House Co-Chair  
Executive Subcommittee

CB/JW:sla

Attachment

cc: Ms. Jessica Whittaker, Administrator, Administrative Rules and Regulations Review Section  
*via email*

# ARKANSAS LEGISLATIVE COUNCIL

Officers

**Senator Terry Rice**  
Senate Chair  
**Representative Jeff Wardlaw**  
House Chair  
**Senator Missy Irvin**  
Senate Vice Chair  
**Representative Jim Dotson**  
House Vice Chair



**Room 315, State Capitol Building**  
**Little Rock, AR 72201**

**Marty Garrity**  
Executive Secretary

Tel: 501-682-1937  
Fax: 501-682-1936

January 19, 2021

Senator Lance Eads  
Senate Co-Chair  
Administrative Rules Review Section  
*via email*

Representative Lee Johnson  
House Co-Chair  
Administrative Rules Review Section  
*via email*

Dear Co-Chairs:

This letter is to notify you that, pursuant to Act 1258 of 2015, the Executive Subcommittee met on January 19, 2021 to consider the request from the Arkansas Department of Commerce - Office of Skills Development to review and approve the following emergency rule:

- ***Arkansas Department of Commerce - Office of Skills Development: Emergency Rule to provide funding to secondary centers negatively impacted by COVID-19.***

A copy of the emergency rule is attached for your information.

The emergency rule was reviewed and approved, and the review and approval shall be effective at 12:01 a.m., Thursday, January 21, 2021.

Respectfully,

Handwritten signature of Senator Terry Rice in black ink.

Senator Terry Rice  
Senate Co-Chair  
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw in black ink.

Representative Jeff Wardlaw  
House Co-Chair  
Executive Subcommittee

TR/JW:sla

Attachment

cc: Ms. Jessica Whittaker, Administrator, Administrative Rules and Regulations Review Section  
*via email*

# ARKANSAS LEGISLATIVE COUNCIL

Officers

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Senate Chair

**Representative Jeff Wardlaw**

House Chair

**Senator Missy Irvin**

Senate Vice Chair

**Representative Jim Dotson**

House Vice Chair



Room 315, State Capitol Building  
Little Rock, AR 72201

**Marty Garrity**  
Executive Secretary

Tel: 501-682-1937

Fax: 501-682-1936

February 23, 2021

Senator Lance Eads  
Senate Co-Chair  
Administrative Rules Review Section  
*via email*

Representative Lee Johnson  
House Co-Chair  
Administrative Rules Review Section  
*via email*

Dear Co-Chairs:

This letter is to notify you that, pursuant to Act 1258 of 2015, the Executive Subcommittee met on February 23, 2021 to consider the request from the Department of Human Services - Division of County Operations to review and approve the following emergency rule:

- Arkansas Department of Human Services – Division of County Operations: Emergency Rule to update the Medical Services Policy Manual sections MS D-210 and D-224 to reflect a change resulting from the Consolidated Appropriations Act, 2021.

A copy of the emergency rule is attached for your information.

The emergency rule was reviewed and approved, and the review and approval shall be effective at 12:01 a.m., Thursday, February 25, 2021.

Respectfully,

Handwritten signature of Senator Terry Rice.

Senator Terry Rice  
Senate Co-Chair  
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw.

Representative Jeff Wardlaw  
House Co-Chair  
Executive Subcommittee

TR/JW:sla

Attachment

cc: Ms. Jessica Whittaker, Administrator, Administrative Rules and Regulations Review Section  
*via email*

# ARKANSAS LEGISLATIVE COUNCIL

Officers

**Senator Terry Rice**  
Senate Co-Chair

**Representative Jeff Wardlaw**  
House Co-Chair

**Senator Missy Irvin**  
Senate Co-Vice Chair

**Representative Jim Dotson**  
House Co-Vice Chair



**Marty Garrity**  
Executive Secretary

Room 315, State Capitol Building  
Little Rock, AR 72201

Tel: 501-682-1937  
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March 22, 2021

Senator Lance Eads  
Senate Co-Chair  
JBC Administrative Rules Review Section  
*via email*

Representative Lee Johnson  
House Co-Chair  
JBC Administrative Rules Review Section  
*via email*

Dear Co-Chairs:

This letter is to notify you that, pursuant to Act 1258 of 2015, the Executive Subcommittee met on March 22, 2021 to consider the request from the Arkansas Department of Human Services (multiple divisions) to review and approve the following emergency rule:

- ***Arkansas Department of Human Services – COVID-19 Response Manual.***

A copy of the emergency rule is attached for your information.

The emergency rule was reviewed and approved, and the review and approval shall be effective at 12:01 a.m. on Wednesday, March 24, 2021.

Respectfully,

Handwritten signature of Senator Terry Rice in black ink.

\_\_\_\_\_  
Senator Terry Rice  
Senate Co-Chair  
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw in black ink.

\_\_\_\_\_  
Representative Jeff Wardlaw  
House Co-Chair  
Executive Subcommittee

TR/JW:sla

Attachment

cc: Ms. Jessica Whittaker, Administrator, Administrative Rules and Regulations Review Section  
*via email*



# ARKANSAS LEGISLATIVE COUNCIL

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Senate Co-Chair

Representative Jeff Wardlaw  
House Co-Chair

Senator Missy Irvin  
Senate Co-Vice Chair

Representative Jim Dotson  
House Co-Vice Chair



Marty Garrity  
Executive Secretary

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Tel: 501-682-1937  
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May 11, 2021 (*revised*)

Senator Kim Hammer  
Senate Co-Chair  
ALC Administrative Rules Review Section  
*via email*

Representative Les Eaves  
House Co-Chair  
ALC Administrative Rules Review Section  
*via email*

Dear Co-Chairs:

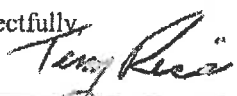
This letter is to notify you that, pursuant to Act 1258 of 2015, the Executive Subcommittee met on May 6, 2021 to consider the request from the Arkansas Department of Agriculture, State Plant Board and Commissioner of State Lands to review and approve the following emergency rules:


- ***Arkansas Department of Agriculture - State Plant Board: Amendments to usage and applications requirements for Class "H" pesticides, specifically dicamba; and***
- ***Commissioner of State Lands: For changes to tax-delinquent property auction sales necessitated by Act 447 of 2021, effective March 24, 2021.***

A copy of the emergency rules is attached for your information.

The emergency rules were reviewed and approved, and the review and approval shall be effective at 12:01 a.m. on Saturday, May 8, 2021.

Respectfully,

  
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Senator Terry Rice  
Senate Co-Chair  
Executive Subcommittee

  
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Representative Jeff Wardlaw  
House Co-Chair  
Executive Subcommittee

TR/JW:sla

Attachment

cc: Ms. Jessica Whittaker, Administrator, Administrative Rules and Regulations Review Section  
*via email*