

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

May 19, 2023

Co-Chairs:

The Administrative Rules Subcommittee met on Thursday, May 18, 2023, at 9:00 a.m., in Room A, MAC.

- 1. The Subcommittee adopted the Rules of the Administrative Rules Subcommittee.**
- 2. The Subcommittee filed a report from the Executive Subcommittee concerning its review and approval of an emergency rule at its meeting on December 15, 2022.**
- 3. The Subcommittee received and filed the Quarterly Reports on Administrative Directives pursuant to Act 1258 of 2015, for the quarters ending December 31, 2022, and March 31, 2023, submitted by the following agencies:**
 - a. Department of Corrections**
 - b. Parole Board**
- 4. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

DEPARTMENT OF EDUCATION, ARKANSAS STATE LIBRARY

- a. ASL Rules Governing the State and Federal Documents Depository Programs**

DEPARTMENT OF EDUCATION, COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION

- a. Rules Governing the Academic Facilities Partnership Program, Sections 5.00 and 7.00 Only**

5. The Subcommittee reviewed and approved the following rule filed pursuant to Ark. Code Ann. § 10-3-309, with Senator Jimmy Hickey, Jr., not voting:

DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION

- a. Rules Governing Home Schools

6. The Subcommittee referred the following rule, a summary of which is attached, to the Legislative Council for consideration at its May 19, 2023 meeting:

DEPARTMENT OF EDUCATION, ARKANSAS STATE LIBRARY

- a. ASL Rules Governing Distribution of Scholarship Assistance

7. The Subcommittee voted to not approve the following rule filed pursuant to Ark. Code Ann. § 10-3-309:¹

NORTHEAST ARKANSAS REGIONAL SOLID WASTE MANAGEMENT DISTRICT

- a. Northeast Arkansas Regional Solid Waste Management District Rules and Regulations

8. Pursuant to Act 595 of 2021, the Subcommittee received the following agency updates on outstanding rulemaking relating to legislation from the 2021 General Session:

- a. Department of Agriculture
b. Department of Education
c. Department of Health

In accord with the Act, a motion was adopted granting the Department of Health's request to be excluded from further reporting in relation to its Rules Governing Medical Marijuana Registration, Testing, and Labeling until written notice is provided that the litigation over the 2021 law relating to the rules has been resolved. A motion was also adopted granting the Department's request to be excluded from further reporting on its Rules for Abortion Facilities and its Rules for Cosmetology, Body Art, Permanent and Semi-Permanent Cosmetics, on the basis that the 2021 changes to the rules are no longer necessary in light of 2023 changes to the law.

¹ Because the rule contained a fee, grounds under Ark. Code Ann. § 10-3-309(f)(1) were not required to be stated when the rule was not approved. See Ark. Code Ann. § 10-3-309(f)(4).

d. Office of Arkansas Lottery

- 9. Pursuant to Act 517 of 2019, the Subcommittee received an agency update from the Department of Agriculture, Arkansas Bureau of Standards, on outstanding rulemaking relating to legislation from the 2019 General Session that had been delayed by litigation, which has since been resolved.**

In light of the agency's report that it saw no clear path forward with rulemaking under Act 501 of 2019 given a court's ruling of unconstitutionality, a motion was adopted excluding the agency from further reporting.

- 10. The Subcommittee filed the January – May monthly written updates pursuant to Act 595 of 2021 concerning the Department of Corrections' rulemaking implementing legislation from the 2022 Fiscal Session.**

Respectfully submitted,

Representative Brian Evans, Co-Chair

Senator Kim Hammer, Co-Chair

DEPARTMENT OF EDUCATION, ARKANSAS STATE LIBRARY

SUBJECT: ASL Rules Governing Distribution of Scholarship Assistance

DESCRIPTION: The Department of Education's Arkansas State Library ("ASL") proposes amendments to its Rules Governing Distribution of Scholarship Assistance. The rules were amended to state that scholarship requirements are consistent, and no additional requirement can be imposed by individual libraries. The rules currently require the completion of twelve (12) semester hours before being eligible for the scholarship. The rules were amended to allow applicants that already serve as library directors to seek a waiver of the completed twelve (12) semester hours. This amendment serves to eliminate a financial barrier to seeking a master's degree in library and information science. The rules were amended to limit the funding obligation to only the semester hours and courses necessary to receive a master's degree in library and information science.

PUBLIC COMMENT: A public hearing was held on December 12, 2022. The public comment period expired January 6, 2023. The agency provided the following summary of the public comment it received and its response to that comment:

Commenter's Name: Rev. John Paul, Regional Librarian, Wynne, AR

Comment: I wholeheartedly approve dropping the 12-hour requirement at your/the board's discretion. However, I am going to recommend that you expand the scholarship program to include post-graduate certificates to further strengthen the workforce in the state. Priority should still be given to MLS candidates, but Arkansas would benefit from having librarians with some stronger credentials running amok. **Response:** Comment considered. The purpose of the scholarship is to assist public libraries in employing librarians with master's degrees in library and information sciences. No changes were made.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following question:

The amended rules indicate that they were approved by the State Library Board on August 12, 2005. Did that Board also approve these amended rules? **RESPONSE:** The ASL Board approved these rule changes for public comment pending Governor's Office approval on November 17, 2022, at their regularly scheduled board meeting.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicated that the proposed rules do not have a financial impact.

LEGAL AUTHORIZATION: ASL shall conduct courses of library instruction, hold library institutes in various parts of the state, and encourage the recruitment and training of library personnel in any suitable manner. *See* Ark. Code Ann. § 13-2-207(7).