

REVISED AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council

Thursday, November 14, 2024
2:00 PM
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. Mark H. Berry
Rep. Stetson Painter
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. Reports on Administrative Directives Pursuant to Act 1258 of 2015, for the Quarter Ending September 30, 2024**
 - 1. Department of Corrections (Tawnie Rowell)**
 - 2. Post-Prison Transfer Board (Kevin Smith)**
- E. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309**
 - 1. DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Jake Windley)**
 - a. Digital Product and Motion Picture Industry Development Act Rule (p.1)**
 - 2. DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Booth Rand)**
 - a. Rule 118: Pharmacy Benefits Managers Regulation (p.2)**

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*'.

3. **DEPARTMENT OF CORRECTIONS, DIVISION OF CORRECTION (Tawnie Rowell)**
 - a. **AR 1200 Work/Study Release Program (p.9)**
4. **DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Daniel Shults)**
 - a. **Better Beginnings Tiered Quality Rating and Improvement System (p.12)**
 - b. **Rule Governing Career-Ready Pathways to Diploma (p.15)**
 - c. **Rules Governing Documents Posted to School District and Education Service Cooperative Websites (p.18)**
 - d. **Rules Governing the Standards for Accreditation of Arkansas Public Schools and Public School Districts (p.22)**
 - e. **Rules Governing the Arkansas Better Chance Program (p.25)**
 - f. **Rules Governing Consolidation and Annexation of School Districts (p.27)**
5. **DEPARTMENT OF EDUCATION, DIVISION OF HIGHER EDUCATION (Daniel Shults)**
 - a. **Rules Governing the Governor's Higher Education Transition Scholarship Program (p.33)**
 - b. **Rules Governing the Osteopathic Rural Medical Practice Student Loan and Scholarship Board (p.35)**
 - c. **Rule Governing Emergency Response Equipment and Training at Arkansas Institutions of Higher Education (p.37)**
 - d. **Rules Governing the Student Undergraduate Research Fellowship (p.39)**
 - e. **Rule Governing the Graduate Medical Education Residency Expansion Board (p.41)**
6. **DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (Kesia Morrison, Lawrence Bengal, Bailey Taylor)**
 - a. **Rule No. 1: Prevention of Pollution by Oil Field Waste (p.45)**
7. **DEPARTMENT OF ENERGY AND ENVIRONMENT, LIQUEFIED PETROLEUM GAS BOARD (Kesia Morrison, Kevin Pfalser, Dan Pilkington)**
 - a. **State Code: Liquefied Petroleum Gas Containers and Equipment (p.47)**

8. **DEPARTMENT OF ENERGY AND ENVIRONMENT, OIL AND GAS COMMISSION (Kesia Morrison, Lawrence Bengal, Dan Pilkington)**
 - a. **Rule B-2: Proof of Financial Responsibility Required to Be Furnished (p.49)**
 - b. **Rule H-1: Class II Disposal and Class II Commercial Disposal Well Permit Application Procedures (p.51)**
9. **DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF INTERGOVERNMENTAL SERVICES (Doris Smith)**
 - a. **Pregnancy Help Organization Grant Program & REPEAL: Method of Administering Pregnancy Help Grant Program (p.53)**
10. **DEPARTMENT OF FINANCE AND ADMINISTRATION, REVENUE DIVISION (Paul Gehring, Alicia Austin Smith)**
 - a. **Taxicab Liability Insurance and Self-Insurance Certification for Certain Persons and Religious Denominations (p.59)**
11. **DEPARTMENT OF HEALTH, ARKANSAS PSYCHOLOGY BOARD (Colin Davies, Matt Gilmore)**
 - a. **Arkansas Psychology Board Rules (p.61)**
12. **DEPARTMENT OF HEALTH, STATE BOARD OF HEALTH (Dr. Laura Rothfeldt, item a; Craig Smith and Laura Shue, items a-b)**
 - a. **Rules Pertaining to Rabies Control (p.63)**
 - b. **REPEAL: Rules and Regulations for Retired Physician Immunity Act (p.65)**
13. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY OPERATIONS (Mary Franklin, Mitch Rouse)**
 - a. **Compacts of Free Association (COFA) SNAP and TEA Eligibility (p.66)**

F. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309 to Be Considered Pending Suspension of the Subcommittee Rules

1. **DEPARTMENT OF AGRICULTURE (Corey Seats)**
 - a. **Liquid Animal Waste Management Systems (p.68)**

2. DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (Kesia Morrison, Bailey Taylor, Basil Hicks)

a. Rule No. 6: Rules for State Administration of the National Pollutant Discharge Elimination System (NPDES) (p.70)

G. Agency Updates on the Status of Outstanding Rulemaking from the 2023 Regular Session Pursuant to Act 595 of 2021¹

1. Department of Agriculture (Corey Seats)

Rules Outstanding as of November 1, 2024, as Reported and Updated by the Agency

- ***Liquid Animal Waste Management Systems Rule (Act 824 of 2023)**

2. Department of Commerce, Arkansas Economic Development Commission (Jake Windley)

Rules Outstanding as of November 1, 2024, As Reported and Updated by the Agency

- **Consolidated Incentive Act Rules (Act 834 of 2023)**
 - This rule is not currently in any stage of rulemaking as internal discussions are ongoing as to whether the existing rule should be amended or repealed in its entirety. The Act does not require rules promulgation, and the current version largely restates the statute. No anticipated date for placement on agenda.
- ***Digital Product & Motion Picture Industry Development Act of 2009 (Act 517 of 2023)**

3. Department of Commerce, State Insurance Department (Booth Rand)

Rules Outstanding as of November 1, 2024, As Reported and Updated by the Agency

- ***Rule 118: Pharmacy Benefits Managers (Acts 302 and 333 of 2023)**

4. Department of Corrections (Tawnie Rowell)

Rules Outstanding as of November 1, 2024, As Reported and Updated by the Agency

Secretary of Corrections

- **Visitation (Act 659, § 112 of 2023)**
 - This rule will be promulgated by the Secretary of Corrections, who has approved it. It is anticipated that review and approval will be sought in February 2025.

Board of Corrections

- **Earned Release Credits (Act 659, § 112 of 2023)**
 - This rule is being promulgated by the Board of Corrections and is slated for review and approval on the December 2024 agenda.

Post-Prison Transfer Board

- **Transfer to Post Release Supervision (Act 659, § 2 of 2023)**
 - This rule is being promulgated by the Post-Prison Transfer Board,

¹ Outstanding rules that are on the current agenda for legislative review and approval are designated by an asterisk (*).

and its drafting is in progress. It is anticipated that review and approval will be sought in March 2025.

- **Revocation from Supervision (Act 659, § 2 of 2023)**
 - This rule is being promulgated by the Post-Prison Transfer Board and is pending approval from the Governor's Office. It is anticipated that review and approval will be sought in January 2025.

5. **Department of Education (Daniel Shults)**

Rules Outstanding as of November 1, 2024, As Reported and Updated by the Agency

Commission for Arkansas Public School Academic Facilities and Transportation

- **Rules Governing the Transportation Modernization Grant Program (Act 237, § 44 of 2023)**
 - The final draft of the rule has been approved by the Commission for Arkansas Public School Facilities and Transportation. The final rule will be submitted for ALC review in December 2024.
- **Rules Governing the Academic Facilities Partnership Program (Act 237, § 8 of 2023)**
 - The final draft of the rule has been approved by the Commission for Arkansas Public School Facilities and Transportation. The final rule will be submitted for ALC review in December 2024.

Arkansas State Library

- **Rules Governing the Standards for State Aid to Public Libraries (Act 566, § 11 of 2023)**
 - This amendment has been drafted and is undergoing agency staff review. It is anticipated the final rule will be submitted for legislative review in February 2025.

Division of Career and Technical Education

- **Rules Governing the Approval of Computer Science-Related Career and Technical Education Course (Act 654, § 4 of 2023)**
 - This amendment has been drafted and is undergoing agency staff review. It is anticipated the final rule will be submitted for legislative review in February 2025.
- **Rules Governing the Vocational Start-Up Grant Program (Act 867, § 7 of 2023)**
 - This amendment has been drafted and is undergoing agency staff review. It is anticipated the final rule will be submitted for legislative review in February 2025.

Division of Elementary and Secondary Education

- **Rules Governing the Child Sexual Abuse and Human Trafficking Prevention Program (Act 237, § 16)**
 - This amendment has been drafted and is undergoing agency staff review. It is anticipated the final rule will be submitted for legislative review in February 2025.
- **Rules Governing School District Waivers (Act 347, § 1 of 2023)**
 - This amendment has been drafted and is undergoing agency staff review. It is anticipated the final rule will be submitted for legislative review in February 2025.

- **Rules Governing Grading and Course Credit (Act 654, §§ 2, 4 of 2023)**
 - This rule has been placed on the Agenda of the State Board of Education's November 7th meeting to be released for public comment.

State Board of Education

- **Rules Governing the Course Choice Program (Act 237, § 20 of 2023)**
 - This amendment has been drafted and is undergoing agency staff review. It is anticipated the final rule will be submitted for legislative review in February 2025.
- **Rules Governing Dyslexia Screenings in Schools (Act 237, § 51 of 2023)**
 - This rule has completed a public comment period and is anticipated to start a new round of public comment. It is anticipated the final rule will be submitted for legislative review in February 2025.
- ***Rules Governing the Arkansas Unified Early Childhood Care and Education System (Arkansas Better Chance) (Act 237, § 58 of 2023)**
- ***Rules Governing Career-Ready Pathways in Arkansas Public Schools (Act 237, § 20 of 2023)**
- ***Rules Governing Consolidation and Annexation of Public School Districts (Act 572, § 10 of 2023)**
- **Rules Governing Implementation of the Inpatient and Residential Facilities Appropriation (Act 572, § 11 of 2023)**
 - This amendment has been drafted and is undergoing agency staff review. It is anticipated the final rule will be submitted for legislative review in February 2025.
- **Rules Governing Implementation of the Juvenile Detention Facilities Appropriation (Act 572, § 12 of 2023)**
 - This amendment has been drafted and is undergoing agency staff review. It is anticipated the final rule will be submitted for legislative review in February 2025.
- **Rules Governing Public Charter Schools (Act 237, § 49 of 2023)**
 - This amendment has been drafted and is undergoing agency staff review. It is anticipated the final rule will be submitted for legislative review in February 2025.

Division of Higher Education

- ***Rules Governing the Governor's Higher Education Transition Scholarship (Act 413, § 1 of 2023)**
- ***Rules Governing the Student Undergraduate Research Fellowship Program (Act 870, § 41 of 2023)**
- ***Rules Governing Automated External Defibrillators and Opioid Rescue Kits (Emergency Response Equipment) (Act 737, § 2, and Act 811, § 2 of 2023)**
- **Rules Governing Universal Academic Credit (Act 237, § 54 of 2023)**
 - This amendment has been drafted and is undergoing agency staff review. It is anticipated the final rule will be submitted for legislative review in February 2025.

6. **Department of Energy and Environment (Kesia Morrison)**
Rules Outstanding as of November 1, 2024, As Reported and Updated by the Agency
 - **Rule 36: Tire Accountability Program (Act 713 of 2023)**
 - A hearing for public comment is scheduled for October 30, 2024, and the public comment period extends through November 7, 2024. The agency hopes to have the final rule approved by the APC&EC at its December 6 meeting, such that the rule will be ready for legislative approval the first opportunity in 2025.
7. **Department of Finance and Administration, Revenue Division (Paul Gehring, Alicia Austin Smith)**
Rules Outstanding as of November 1, 2024, As Reported and Updated by the Agency
 - ***Taxicab Liability Insurance and Self-Insurance Certification for Certain Persons and Religious Denominations (Act 804 of 2023)**
 - **Waterways Investment Tax Credit (Act 881 of 2023)**
 - The draft rule has been forwarded to the Governor's Office for review. DFA anticipates requesting that the rule be placed on an agenda for review and approval in January 2025.
8. **Department of Health (Laura Shue)**
Rules Outstanding as of November 1, 2024, As Reported and Updated by the Agency
 - ***Rules Pertaining to Rabies Control (Acts 161 and 522 of 2023)**
9. **Department of Public Safety (Joan Shipley)**
Rules Outstanding as of November 1, 2024, As Reported and Updated by the Agency
 - **State Fire Marshal Rule (Arkansas Fire Prevention Code) (Act 841 of 2023)**
 - This rule is out for public comment, which ends November 12. It is anticipated that the rule will be placed on the December 2024 agenda of the Rules Subcommittee.
- H. **Agency Monthly Written Updates Pursuant to Act 595 of 2021 Concerning Rulemaking from the 2024 Fiscal Session**
- I. **Adjournment**