

REVISED AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council

Wednesday, May 21, 2025
10:00 AM
Room A, MAC
Little Rock, Arkansas

Sen. Tyler Dees, Co-Chair
Sen. Kim Hammer, Vice-Chair
Sen. Missy Irvin
Sen. Jonathan Dismang
Sen. Bart Hester
Sen. Terry Rice
Sen. Blake Johnson
Sen. Breanne Davis
Sen. Ben Gilmore, ex officio
Sen. Justin Boyd, ex officio

Rep. Matthew J. Shepherd, Co-Chair
Rep. Lane Jean, Vice-Chair
Rep. Jon S. Eubanks
Rep. Mary Bentley
Rep. DeAnn Vaught
Rep. Steve Hollowell
Rep. Brian S. Evans
Rep. Stetson Painter
Rep. Les D. Eaves, ex officio
Rep. Jack Ladyman, ex officio

- A. Call to Order**
- B. Adoption of Subcommittee Rules**
- C. Reports from the Executive Subcommittee Concerning Emergency Rules**
- D. Reports on Administrative Directives Pursuant to Act 1258 of 2015, for Quarters Ending December 31, 2024, and March 31, 2025 (Tawnie Rowell)**
 - 1. Department of Corrections**
 - 2. Post-Prison Transfer Board**
- E. Rules Filed Pursuant to Arkansas Code § 10-3-309**
 - 1. ~~DEPARTMENT OF AGRICULTURE~~**
 - a. ~~Liquid Animal Waste Management Systems~~**
 - 2. DEPARTMENT OF AGRICULTURE, STATE PLANT BOARD (Secretary Wes Ward)**
 - a. Pest Control Rules (p.1)**

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 COMMERCE, DIVISION OF WORKFORCE SERVICES
(David McCoy, Kristen Rhodes)**
 - a. **Unemployment Insurance Contributions and Employers, 11 CAR § 1-201 et seq. (p.3)**
4. **DEPARTMENT OF COMMERCE, OFFICE OF SKILLS DEVELOPMENT
(Stephanie Isaacs)**
 - a. **Rules for Arkansas' Registered Apprenticeship Programs & REPEALS: Rules and Regulations for the Construction Industry Craft Training Education Program; Rules and Regulations for Electrician Apprenticeship Programs; Rules and Regulations for Plumbing Apprenticeship Programs; Rules and Regulations for Arkansas' Registered Apprenticeship Programs (p.4)**
5. **DEPARTMENT OF CORRECTIONS, POST-PRISON TRANSFER BOARD
(Charlotte Moore)**
 - a. **Revocation of Parole and Post-Release Supervision (p.6)**
 - b. **Arkansas Parole Board Policy Manual – Section 3: Release Revocation (p.12)**
6. **DEPARTMENT OF EDUCATION, DIVISION OF HIGHER EDUCATION
(Courtney Salas-Ford, Dr. Ken Warden)**
 - a. **Rules Governing the Arkansas Academic Challenge Scholarship (p.12)**
 - b. **Rules Governing Uniform Course Credit for Institutions of Higher Education (p.14)**
- ~~7. **DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY**~~
 - ~~a. **Rule No. 6: Rules for State Administration of the National Pollutant Discharge Elimination System (NPDES)**~~
 - ~~b. **Rule No. 2: Rule Establishing Water Quality Standards for Surface Waters of the State of Arkansas**~~
8. **DEPARTMENT OF FINANCE AND ADMINISTRATION, REVENUE DIVISION
(Paul Gehring, Alicia Austin Smith)**
 - a. **Arkansas Waterways Investment Tax Credit Rule (p.15)**
 - b. **REPEAL: Administrative Procedure Rule 1993-5 (p.16)**
 - c. **REPEAL: Administrative Procedure Rule 1993-6 (p.17)**

9. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING, ADULT, AND BEHAVIORAL HEALTH SERVICES (Lori McDonald, Jay Hill)**
 - a. **Policy and Procedure for Name Removal from the Arkansas Adult Maltreatment Registry, 12 CAR pt. 100 (p.17)**
10. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Lori McDonald, Elizabeth Pitman)**
 - a. **Specialized Formula and Associated Supplies Rate Change (p.18)**
 - b. **Core Set Reporting Requirements (p.21)**
 - c. ~~**Urgent Care Clinics**~~
 - d. **Medicaid Administrative Reconsiderations and Appeals, 20 CAR pts. 500, 600, 604, 608, 610, 613-14, 619, 622, 624-27, 631-41, 643-44, 646, 649-50 (p.22)**
 - e. **Hospice Provider Manual Updates, 20 CAR pt. 623 (p.26)**
11. **DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, DIVISION OF INFORMATION SYSTEMS (Jennifer Davis)**
 - a. **REPEAL: Standard Statement – Virus Scanning (p.27)**
 - b. **REPEAL: Standard Statement – Password Management (p.28)**
 - c. **REPEAL: Standard Statement – Warning Banner (p.29)**
 - d. **REPEAL: Standard Statement – Personnel Security (p.29)**
 - e. **REPEAL: Policy Statement – Project Management (p.30)**
 - f. **REPEAL: Standard Statement – Encryption (p.31)**
 - g. **REPEAL: Department of Information Systems Rules (October 17, 1997) (p.32)**

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

1. **DEPARTMENT OF AGRICULTURE (Secretary Wes Ward)**

Rules Outstanding as of May 1, 2025, as Reported and Updated by the Agency

 - **Liquid Animal Waste Management Systems Rule (Act 824 of 2023)**
 - Act 824 provides that the Department of Agriculture, in consultation with the Division of Environmental Quality, has authority over all

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

liquid animal waste management systems in the state, including issuance of permits for those systems. The Act requires the Department to adopt rules but provides that the Department shall use the current Pollution Control and Ecology Commission Regulation No. 5 until the Department promulgates rules. The public comment period ran from August 3 to September 16, 2024, and the Department held a public hearing on the rule on August 26, 2024.

- On November 14, 2024, this rule did not receive the ALC Rules Subcommittee review necessary for completion of the promulgation process. To allow more time to carefully review the proposed rule in response to the large number of comments from interested parties and stakeholders and anticipated legislation before the General Assembly, the Department requested removal of the rule from December's ALC-Administrative Rules Subcommittee agenda. The Department has now requested the rule be placed on the next available ALC-Administrative Rules Subcommittee agenda.

[The rule was pulled from the current agenda, at the agency's request, on May 13, 2025.]

2. DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Jake Windley, Bo Loftis)

Rules Outstanding as of May 1, 2025, as Reported and Updated by the Agency

- **Consolidated Incentive Act Rules (Act 834 of 2023)**

- Changes to existing version of rule required by changes to the definition of an "eligible business" included in Act 834 of 2023. The current version of the rule does not incorporate these changes.
- This rule is not currently at any stage in the rulemaking process. Internal discussions are ongoing as to whether the existing rule should be amended or repealed in its entirety. The Consolidated Incentive Act does not require rules promulgation, and the current version of the rule largely restates the statute. Due to the fact that internal discussions are ongoing, no anticipated date for the rule being on the subcommittee's agenda can be provided.

3. DEPARTMENT OF CORRECTIONS (Tawnie Rowell)

Rules Outstanding as of May 1, 2025, 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. There was a stakeholder request for a definition change. It is anticipated that review and approval will be sought in July 2025.

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, and a draft is being circulated to stakeholders. It is anticipated that review and approval will be sought in July of 2025.

- ***Revocation from Supervision (Act 659, § 2 of 2023)**

4. **DEPARTMENT OF EDUCATION (Courtney Salas-Ford)**

*Rules Outstanding as of May 1, 2025, as Reported and Updated by the Agency
Arkansas State Library*

- **Rules Governing the Standards for State Aid to Public Libraries (Act 566, § 11 of 2023)**

- Rulemaking regarding Act 566 of 2023 is temporarily suspended due to the passage of Act 903 of 2025. The agency anticipates rulemaking to occur following the appointment of a new slate of library board members.

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 rule is being redrafted in compliance with the Code of Arkansas Rules. It is anticipated that the final rule will be submitted for ALC review in August.

- **Rules Governing the Vocational Start-Up Grant Program (Act 867, § 7 of 2023)**

- This rule is being redrafted in compliance with the Code of Arkansas Rules. It is anticipated that the final rule will be submitted for ALC review in August.

Division of Elementary and Secondary Education

- **Rules Governing the Child Sexual Abuse and Human Trafficking Prevention Program (Act 237, § 16 of 2023)**

- This amendment has been drafted and is on the State Board of Education in its May 8, 2025 agenda to be released for public comment. It is anticipated that the final rule will be submitted for ALC review in August.

- **Rules Governing School District Waivers (Act 347, § 1 of 2023)**

- The agency is redrafting this rule due to the enactment of Act 304 of 2025. The rule will be a top priority for the current round of rulemaking with a final rule anticipated in August.

- **Rules Governing Grading and Course Credit (Act 654, §§ 2, 4 of 2023)**

- This rule has been released by the State Board of Education to be released for a public comment; however, the agency is redrafting this rule due to the enactment of Act 341 of 2025. The rule will be a top priority for the current round of rulemaking with a final rule anticipated in August.

State Board of Education

- **Rules Governing the Course Choice Program (Act 237, § 20 of 2023)**

- The agency is redrafting this rule due to the enactment of Act 730 of 2025. The rule will be a top priority for the current round of rulemaking with a final rule anticipated in August.

- **Rules Governing Dyslexia Screenings in Schools (Act 237, § 51 of 2023)**

- This rule is currently in public comment. It is anticipated that the final rule will be submitted for ALC review in June.

- **Rules Governing Implementation of the Inpatient and Residential Facilities Appropriation (Act 572, § 11 of 2023)**

- This rule is being considered by the State Board of Education for final

approval on May 8, 2025.

- **Rules Governing Implementation of the Juvenile Detention Facilities Appropriation (Act 572, § 12 of 2023)**
 - This rule is being considered by the State Board of Education for final approval on May 8, 2025.
- **Rules Governing Public Charter Schools (Act 237, § 49 of 2023)**
 - The agency is redrafting this rule due to the enactment of Act 800 of 2025. The rule will be a top priority for the current round of rulemaking with a final rule anticipated in August.

Division of Higher Education

- ***Rules Governing Universal Academic Credit (Act 237, § 54 of 2023)**

**5. DEPARTMENT OF FINANCE AND ADMINISTRATION, REVENUE DIVISION
(Paul Gehring, Alicia Austin Smith)**

Rules Outstanding as of May 1, 2025, as Reported and Updated by the Agency

- ***Waterways Investment Tax Credit (Act 881 of 2023)**

G. Adjournment