

REVISED AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council

Thursday, December 19, 2024
9:00 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. 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. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309**
 - 1. ~~DEPARTMENT OF AGRICULTURE (Secretary Wes Ward, Corey Seats)~~**
 - a. ~~Liquid Animal Waste Management Systems (p.1)~~**
 - 2. DEPARTMENT OF COMMERCE, ARKANSAS DEVELOPMENT FINANCE AUTHORITY (Jake Bleed, Mark Conine)**
 - a. Rule Regarding the Reservation of Private Activity Bond Volume Cap & REPEALS: Private Activity Volume Cap Rules and Regulations ID# 800; Neighborhood Stabilization Program (NSP) ID# 848 (p.3)**
 - 3. DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Booth Rand, Commissioner Alan McClain)**
 - a. Rule 128: Fair and Reasonable Pharmacy Reimbursements (p.4)**

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'*.

4. **DEPARTMENT OF CORRECTIONS, BOARD OF CORRECTIONS (Tawnie Rowell)**
 - a. **Earned Release Credits Committee (p.13)**
5. **DEPARTMENT OF EDUCATION, COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION, DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION (Courtney Salas-Ford)**
 - a. **Rule Governing the Academic Facilities Distress Program (p.15)**
 - b. **Rules Governing the Academic Facilities Partnership Program (p.17)**
 - c. **Rule Governing the Transportation Modernization Grant Program (p.23)**
6. **DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (Kesia Morrison, Bailey Taylor, items a-b; Basil Hicks, item a; Dan Pilkington, item b)**
 - a. ~~**Rule No. 6: Rules for State Administration of the National Pollutant Discharge Elimination System (NPDES) (p.26)**~~
 - b. **Rule No. 36: Tire Accountability Program (p.29)**
7. **DEPARTMENT OF FINANCE AND ADMINISTRATION, ARKANSAS RACING COMMISSION (John Campbell, Byron Freeland)**
 - a. **REPEAL: Rules and Regulations Governing Greyhound Racing (p.32)**
 - b. **Horse Racing Rule 2148 (p.33)**
 - c. **Horse Racing Rule 2444 (p.34)**
8. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (Melissa Weatherton, Jennifer Brez'ee, Thomas Tarpley, Lori McDonald)**
 - a. **Autism Services for Children on Medicaid & REPEALS: FBI Background Check Form; First Connections Program Under Part C of the Individuals with Disabilities Act (p.35)**
9. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Elizabeth Pitman, Lori McDonald)**
 - a. **Emergency Medical Technicians as Other Licensed Practitioners (p.38)**

10. DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, OFFICE OF FIRE PROTECTION SERVICES (Joan Shipley)

- a. **Arkansas Fire Prevention Code (p.39)**

11. NORTHEAST ARKANSAS REGIONAL SOLID WASTE MANAGEMENT DISTRICT (Robert Thompson, Joseph Pence)

- a. **Northeast Arkansas Regional Solid Waste Management District Rules and Regulations (p.40)**

E. 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, Corey Seats)

Rules Outstanding as of December 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 December 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 the Subcommittee's agenda.

3. Department of Corrections (Tawnie Rowell)

Rules Outstanding as of December 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)**

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 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)**

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

- This rule is being promulgated by the Post-Prison Transfer Board and is in public comment. It is anticipated that review and approval will be sought in January 2025.

4. **Department of Education (Courtney Salas-Ford)**

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

Commission for Arkansas Public School Academic Facilities and Transportation

- ***Rule Governing the Transportation Modernization Grant Program (Act 237, § 44 of 2023)**
- ***Rules Governing the Academic Facilities Partnership Program (Act 237, § 8 of 2023)**

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 March.

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 March.

- **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 March.

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 undergoing agency staff review. It is anticipated the final rule will be submitted for legislative review in March.

- **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 March.

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

- This rule has been authorized by the State Board of Education to be released for public comment in its November 7th meeting.

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 March.

- **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 in October. It is anticipated that the final rule will be submitted for legislative review in March.
- **Rules Governing Implementation of the Inpatient and Residential Facilities Appropriation (Act 572, § 11 of 2023)**
 - This rule has been authorized by the State Board of Education to be released for public comment in its November 7th meeting.
- **Rules Governing Implementation of the Juvenile Detention Facilities Appropriation (Act 572, § 12 of 2023)**
 - This rule has been authorized by the State Board of Education to be released for public comment in its November 7th meeting.
- **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 March.

Division of Higher Education

- **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 March.

5. Department of Energy and Environment (Kesia Morrison)

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

- ***Rule 36: Tire Accountability Program (Act 713 of 2023)**

6. Department of Finance and Administration, Revenue Division (Paul Gehring, Alicia Austin Smith)

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

- **Waterways Investment Tax Credit (Act 881 of 2023)**
 - This act creates a new Waterways Investment Tax Credit. The Waterways Investment Tax Credit is an income tax credit for the cost of making capital improvements to a facility or property related to using water transportation. The draft rule was approved by DFA and the Governor's Office. The public comment hearing is currently scheduled for December 17, 2024. DFA anticipates requesting that the rule be placed on the earliest available agenda in 2025.

7. Department of Public Safety (Joan Shipley)

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

- ***State Fire Marshal Rule (Arkansas Fire Prevention Code) (Act 841 of 2023)**

F. Agency Monthly Written Updates Pursuant to Act 595 of 2021 Concerning Rulemaking from the 2024 Fiscal Session

G. Adjournment