

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

Thursday, November 20, 2025

10:00 a.m.

Room A, MAC

Little Rock, Arkansas

- A. Call to Order**
- B. Reports on Administrative Directives Pursuant to Act 1258 of 2015, for Quarter Ending September 30, 2025**
 - 1. Department of Corrections (Wade Hodge)**
 - 2. Post-Prison Transfer Board (Kevin Smith)**
- C. Rules Filed Pursuant to Arkansas Code § 10-3-309**

- 1. Arkansas Teacher Retirement System (Mark White, Jennifer Kelly)**

- a. Arkansas Teacher Retirement System Rules, 24 CAR pt. 10

- i. 24 CAR § 10-207

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-207: Amended to repeal “minority” from the description of trustee position number eight. This amendment is required by Acts 2025, No. 938.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency has indicated that this rule received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the

transaction of its business and in administering the Arkansas Teacher Retirement System.

This rule implements Acts 2025, No. 938, sponsored by Representative Karilyn Brown, which removed racial and gender quotas and qualifications of membership for certain boards, committees, councils, and commissions.

ii. 24 CAR § 10-302

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-302: This rule is being amended to clarify when confidential member account information may be disclosed by the Arkansas Teacher Retirement System. The rule is necessary for the orderly and proper administration of the system.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency has indicated that this rule received no public comments.

Camille Fleming, an attorney with the Bureau of Legislative Research, asked the following question and was provided with the following agency response:

1) 24 CAR § 10-302(b)(4): This subdivision states that member information compiled by the system shall not be disclosed to a third party unless a confidentiality agreement authorizing disclosure to a third-party vendor has been executed by the system and the vendor. Does this agreement require member consent or authorization as well, as it pertains to member information?

RESPONSE: No. Please note that the proposed rule permits disclosure through a confidentiality agreement only if the third-party vendor or entity requires the information for purposes related to the proper operation and administration of ATRS.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas

Teacher Retirement System.

iii. 24 CAR § 10-329

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-329: The proposed rule addresses requirements for the participation of early childhood workers as members of the Arkansas Teacher Retirement System. This new rule is required by Acts 2025, No. 587.

PUBLIC COMMENT: A public hearing was held September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency provided the following summary of public comments:

24 CAR § 10-329

Commenter Name: Excel by Eight

COMMENT: Clarify references to ADE throughout.

RESPONSE: The proposed rule has been revised to clarify references to the Arkansas Department of Education throughout the rule.

Commenter Name: Excel by Eight

COMMENT: Replace “voucher or subsidy agreement” throughout with “subsidy or grant agreement”. **RESPONSE:** The proposed rule has been revised to replace “voucher or subsidy agreement” with “subsidy or grant agreement” throughout the rule.

Commenter Name: Dustin Summey

COMMENT: I am an ARTRS member with 19.5 contributory years in the system. I now work for Pediatrics Plus, which provides pediatric therapies and has multiple sites with developmental preschools that are licensed and funded in part through the state programs. However, I work in a role that does not provide teaching, education or supervision of children (I am referencing the current language in section (a)(1)(A) of the document posted on the ARTRS website as of 8/11/2025). I work in a management/operations capacity and have no direct interaction with kids. My interpretation of section (a)(1)(A) is that I won't qualify to participate in ARTRS through Pediatrics Plus due to my job role not having direct care of children. Can you please clarify? If my interpretation is correct, I respectfully request that the ARTRS Board and leadership reconsider the scope of the participation rule and broaden it to allow any employee of a qualified childcare facility to participate in ARTRS. This would be in line with how public school employees are allowed to participate in ARTRS even if they are in a maintenance,

information technology, grant-writing, etc., position that does not involve direct instruction of students. I appreciate you taking time to read my email, provide clarity, and consider my request. Please let me know if my correspondence should be submitted through a different route in order to be formally considered during the public comment period. Many thanks! **RESPONSE:** Yes, ATRS agrees that the rule could be interpreted to mean that a person who is employed with a childcare provider in a management or operations position would not qualify to participate as a member of ATRS through their employment with the childcare provider. The question is whether or not Act 587 of 2025 allows a person who is employed with a childcare provider in a management or operations position to participate as a member of ATRS. If Act 587 of 2025 does not permit such persons to participate in ATRS, the law would need to be amended by the Legislature during their next regular legislative session.

24 CAR § 10-329(a)(2)(C)(ii)(a) and (b).

Commenter Name: Excel by Eight

COMMENT: Page 2, section (a)(2)(C)(ii)(a) & (b), consider changing “cease to be a member” to “cease to be an Active member”; or change “cease to be a member of the system” to “cease to accrue service credit in the system” or something similar. Even if a provider ceases to be eligible, their employees who earned service credit will continue to be members of the System, albeit in Inactive status. I don’t want to leave language that could be read to mean they lose any service credit they had previously earned. **RESPONSE:** The rule has been revised to change “a member” to “an active member”.

24 CAR § 10-329(b)(5)

Commenter Name: Excel by Eight

COMMENT: Page 4, section (b)(5), change “Assumes” to “Assume”. **RESPONSE:** The rule has been revised to change “Assumes” to “Assume”.

Camille Fleming, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1) 24 CAR § 10-329(a)(2)(A)(vi): Is a conjunction missing between (vi) and (viii)? **RESPONSE:** No.

2) Also, should “(viii)” here be “(vii)” instead? **RESPONSE:** No, subdivision 24 CAR § 10-329(a)(2)(A)(vi) as approved by the ATRS Board on June 2, 2025, was unintentionally omitted. The proposed rule has been revised to include the omitted provision.

3) 24 CAR § 10-329(a)(2)(A)(viii)(a): This subdivision states that the childcare employer shall retain all records “pertaining to the participation of the childcare provider in the system and all records pertaining to an early childhood worker who is employed by the childcare provider and who elects to participate in the system for at least seven (7) years from the effective date of the childcare provider’s participation in the system or as otherwise advised in writing by the system.”

Does the language “for at least seven (7) years” apply to the retainment of records or for how long the childcare provider has to participate in the system? **RESPONSE:** The seven (7) years pertains to how long the records must be retained. The proposed rule has been revised for clarity on this issue.

4) This same language appears again in (b)(10). Does the language “for at least seven (7) years” apply to the retainment of records or for how long the childcare provider has to participate in the system? **RESPONSE:** The seven (7) years pertains to how long the records must be retained. The proposed rule has been revised for clarity on this issue.

5) 24 CAR § 10-329(b)(1)(B)(vi): Is a conjunction missing between (vi) and (vii)? **Responses:** No, subdivision 24 CAR § 10-329(b)(1)(A)(vii) as approved by the ATRS Board on June 2, 2025, was unintentionally omitted. The proposed rule has been revised to include the omitted provision and a conjunction between 24 CAR § 329(b)(10)(A)(vii) and (viii).

6) 24 CAR § 10-329(b)(12)(B): This subdivision cites to “subdivision (b)(11)(A) of this section”, but I’m not seeing that subdivision in this section. Did the system mean a different subdivision here? **RESPONSE:** Yes, the intended subdivision is (b)(12)(A). The proposed rule has been revised to change “(b)(11)(A)” to “(b)(12)(A)”.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas

Teacher Retirement System.

This rule implements Acts 2025, No. 587, sponsored by Senator Jane English, which concerned the membership of the system and established the Creating an Investment Opportunity for Early Childhood Workers Act of 2025.

iv. 24 CAR § 10-501

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-501: The rule amends the definition of “gap period”. The amendment is required due to Acts 2025, No. 227.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency has indicated that this rule received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

This rule implements Acts 2025, No. 227, sponsored by Representative Kendra Moore, which amended the law concerning the permissive service credit for gap year service under the system.

v. 24 CAR § 10-512

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-512: The rule amends the definition of “gap period”. The amendment is required due to Acts 2025, No. 227.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency has indicated that this rule received no public comments.

The proposed effective date is pending legislative review and

approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

This rule implements Acts 2025, No. 227, sponsored by Representative Kendra Moore, which amended the law concerning the permissive service credit for gap year service under the system.

vi. 24 CAR § 10-513

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-513: The rule has been amended to correct a spelling error in the title. The amendment is necessary for the orderly and proper operation and administration of the system.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency has indicated that this rule received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

vii. 24 CAR § 10-613

DESCRIPTION: The Arkansas Teacher Retirement System is

amending the following rule:

24 CAR § 10-613: The rule has been amended to extend the time by which a residue beneficiary may elect an Option A annuity, clarify that a deceased retiree's residue will be paid to the retiree's estate if all residue beneficiaries predecease the retiree, and address the payment of an annuity or a benefit for a special needs trust. These rule amendments are required due to Acts 2025, No. 222, and Acts 2025, No. 363.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency provided the following summary of public comments:

24 CAR § 10-613(h)(3)

Commenter Name: From ATRS staff.

COMMENT: For clarity, should 24 CAR § 10-613(h)(3) be revised to read as follows?

(3) The Arkansas Teacher Retirement System shall pay an annuity or benefit directly to a person if at the time that the person is entitled to receive an annuity or a benefit payment:

(A) A special needs trust that meets the requirements of Arkansas Code § 24-7-739(a) or Arkansas Code § 24-7-739(b) has not been established for the benefit of the person; or

(B) A special needs trust that meets the requirements of Arkansas Code § 24-7-739(a) or Arkansas Code § 24-7-739(b) that has been established for the benefit of the person cannot be identified by the system or has ceased to exist.

RESPONSE: Yes. The proposed rule has been revised as suggested.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas

Teacher Retirement System.

This rule implements Acts 2025, No. 222, sponsored by Representative Les Warren, which enacted the Arkansas Teacher Retirement System’s General Omnibus.

This rule implements Acts 2025, No. 363, sponsored by Representative Les Warren, which amended the law concerning annuities and benefits under the system and allowed for the system to pay an annuity or benefit owed to a person to a special needs trust established for the benefit of the person.

viii. 24 CAR § 10-616

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-616: The rule has been amended to repeal “correction and adjustment limitations” as it is unnecessary language. The amendment is necessary for the orderly and proper operation and administration of the system.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency has indicated that this rule received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

ix. 24 CAR § 10-710

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-710: The rule has been amended to clarify when a T-DROP participant may cancel their original T-DROP distribution election. The rule amendment is required due to Acts 2025, No. 226.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency has indicated that this rule received no public comments.

Camille Fleming, an attorney with the Bureau of Legislative Research, asked the following question and was provided with the following agency response:

1) 24 CAR § 10-710(1): The language in this section appears to mirror Arkansas Code § 24-7-1308(b)(3)(A). However, subdivision (1) of the rule provides, “A member may cancel his or her original T-DROP distribution election and elect another distribution option if the member:

(1) Did not elect to receive all or a part of his or her T-DROP account balance rolled over into a qualified retirement plan;”

Arkansas Code § 24-7-1308(b)(3)(A) provides, “A member may cancel his or her original election and elect another distribution option under subdivision (b)(1) of this section if the member:

(A) Did not elect to receive all or a part of the balance in the plan account as a lump sum payable through an Internal Revenue Code eligible rollover transaction;”

Is there a reason this language differs? **RESPONSE:** The language of the proposed rule is simplified, but it aligns and complies with A.C.A. § 24-7-1308(b)(3)(A). Receiving “*all or a part of the balance in the plan account as a lump sum payable through an Internal Revenue Code eligible rollover transaction*” means the same as receiving “*all or a part of*” a “*T-DROP account balance rolled over into a qualified retirement plan*”.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

This rule implements Acts 2025, No. 226, sponsored by Representative Mark Perry, which amended the law concerning the

election of a distribution option under the teacher deferred retirement option plan.

x. 24 CAR § 10-712

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-712: The rule has been amended to revise “Cash Account Balance” to “Cash Balance Account”. The amendment is necessary for the orderly and proper operation and administration of the system.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency has indicated that this rule received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

xi. 24 CAR § 10-804

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-804: The rule has been amended to provide that a surviving spouse is eligible to receive survivor benefits if they were married to the deceased member for at least one (1) year immediately preceding the member’s death. The rule has also been amended to clarify that a surviving spouse must submit any additional documentation required by the system before survivor annuity benefit payments may begin. The former rule amendment is required due to Acts 2025, No. 224. The latter rule amendment is necessary for the proper and orderly administration of the system.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired

September 8, 2025. The agency has indicated that this rule received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

This rule implements Acts 2025, No. 224, sponsored by Representative Les Warren, which amended the law concerning eligibility of a surviving spouse for survivor annuity benefits under the system.

xii. 24 CAR § 10-807

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-807: The rule has been amended to provide that a qualifying dependent child may receive a dependent child survivor annuity through twenty-two (22) years of age, irrespective of whether they are a full-time student or participating in active military duty or training. This amendment is necessary due to Acts 2025, No. 225.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency has indicated that this rule received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

This rule implements Acts 2025, No. 225, sponsored by Representative Mark Perry, which amended the law concerning survivor annuity benefits for dependent children under the system.

xiii. REPEAL 24 CAR § 10-808

DESCRIPTION: The Arkansas Teacher Retirement System is repealing the following rule:

24 CAR § 10-808: This rule (“Survivors — Dependent children — Full-time students”) is being repealed in its entirety due to Acts 2025, No. 225.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency has indicated that this rule received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

This rule implements Acts 2025, No. 225, sponsored by Representative Mark Perry, which amended the law concerning survivor annuity benefits for dependent children under the system.

xiv. REPEAL 24 CAR § 10-809

DESCRIPTION: The Arkansas Teacher Retirement System is repealing the following rule:

24 CAR § 10-809: This rule (“Survivors — Dependent children — Active military duty or training”) is being repealed in its entirety due to Acts 2025, No. 225.

PUBLIC COMMENT: A public hearing was held on September

29, 2025. The public comment period for this rule expired September 8, 2025. The agency has indicated that this rule received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

This rule implements Acts 2025, No. 225, sponsored by Representative Mark Perry, which amended the law concerning survivor annuity benefits for dependent children under the system.

xv. 24 CAR § 10-811

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-811: The rule has been amended to permit a child of a deceased disability retiree and return-to-work retiree to receive a dependent child survivor annuity if the child was not designated as the disability retiree's or return-to-work retiree's option beneficiary. This rule is necessary due to Acts 2025, No. 225.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired September 8, 2025. The agency provided the following summary of public comments:

24 CAR § 10-811(a)

Commenter Name: From ATRS staff.

COMMENT: When I read 10-811, it wasn't clear to me. Here is what it says: A dependent child annuity shall be payable to a surviving child of a retiree who dies after returning to work or a disability retiree: When I read ("red") it, I placed the emphasis on the word "or" as follows: A dependent child annuity shall be payable to a surviving child of a retiree who dies after returning to work or a disability retiree: I know that this wasn't the intent.

RESPONSE: The proposed rule has been revised to change

“surviving child of a retiree who dies after returning to work or a disability retiree” to “surviving child of a disability retiree or a retiree who dies after returning to work”.

Commenter Name: From ATRS staff.

COMMENT: Also, after the opening phrase above, the first word is "Qualifies". This also doesn't make sense to me as follows: A dependent child annuity shall be payable to a surviving child of a retiree who dies after returning to work or a disability retiree: (1) Qualifies as a dependent... (2) Has not been... Does the word "who" need to be placed before each of the numbers?

RESPONSE: No, “who” does not need to be placed before each of the numbers. However, “if the child” should not be struck. The proposed rule has been revised to remove the strikethrough of “if the child”. **RESPONSE:** The rule has been revised to change “Assumes” to “Assume”.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

This rule implements Acts 2025, No. 225, sponsored by Representative Mark Perry, which amended the law concerning survivor annuity benefits for dependent children under the system.

xvi. 24 CAR § 10-826

DESCRIPTION: The Arkansas Teacher Retirement System is amending the following rule:

24 CAR § 10-826: The rule has been amended to clarify that ATRS will not reimburse an alternate payee for an amount distributed to a member before the System receives a file marked, ATRS-approved, qualified domestic relations order that has been entered by a court. The amendment is necessary for the orderly and proper operation and administration of the system.

PUBLIC COMMENT: A public hearing was held on September 29, 2025. The public comment period for this rule expired

September 8, 2025. The agency has indicated that this rule received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 24-7-301(5) provides that the member and retiree trustees of the Arkansas Teacher Retirement System Board of Trustees shall be elected in accordance with rules as have been adopted by the board to govern the elections.

Arkansas Code § 24-7-305(b)(1) provides that the board shall promulgate rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

2. Department of Corrections, Arkansas Sentencing Commission (Elaine Lee)

a. Eligibility for Transfer to Post-Release Supervision, 16 CAR pt. 11

DESCRIPTION: The Department of Corrections, Arkansas Sentencing Commission, proposes amendments to its Eligibility for Transfer to Post-Release Supervision rules. The Protect Arkansas Act provides new thresholds for release eligibility for felony offenses. Those offenses for which an offender is required to serve 100% and 85% of his or her sentence are set out in statute. The Sentencing Commission is responsible for categorizing those remaining offenses as being required to serve either 50% or 25%. The initial adoption of this rule was completed in 2024, with an effective date of January 1, 2025, to coincide with the effective date of the new release eligibility laws. During the 2025 legislative session, there were several new felony offenses identified by Commission staff which need to be categorized. These offenses are categorized by these amendments.

PUBLIC COMMENT: A public hearing was not held on this matter. The public comment period closed on October 14, 2025. The agency indicated it received no public comments.

An emergency rule on this subject was considered by the Executive Subcommittee at its meeting on August 15, 2025, and was reviewed and approved. The agency has indicated that the emergency rule will expire on December 13, 2025.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that the amended rule does not have a financial impact.

LEGAL AUTHORIZATION: Pursuant to Arkansas Code § 16-90-

802(d)(1)(B), the Arkansas Sentencing Commission shall set the percentage of time within parameters set by law to be served for offenses at each seriousness level before any type of transfer or release. Further, Arkansas Code § 16-90-802(d)(8) states that the Arkansas Sentencing Commission's duties include determining transfer eligibility. Finally, the commission is in charge of strategic planning for a balanced correctional plan for the state. *See* Arkansas Code § 16-90-802(d)(4).

New felony offenses have been categorized pursuant to Act 659 of 2023, sponsored by Senator Ben Gilmore, which created the Protect Arkansas Act; amended Arkansas law concerning sentencing and parole; amended Arkansas law concerning certain criminal offenses; and created the Legislative Recidivism Reduction Task Force.

3. Department of Finance and Administration (Alicia Austin Smith, Keith Linder)

- a. REPEAL Rule In-Lieu-of-Tax Payments, 14 CAR pt. 10

DESCRIPTION: This is a repeal of the In-Lieu-of-Tax Payments Rule 2002-1. Rule 2002-1 only covered agreements executed between July 1, 2001 and June 30, 2003. Additionally, the requirements of the existing rule were incorporated into Arkansas Code § 14-164-704. Rule 2002-1 is no longer necessary and should be repealed.

PUBLIC COMMENT:

A public hearing was held on September 9, 2025, and the public comment period expired on September 24, 2025. The agency received no public comments.

The proposed effective date of this repeal is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 19-1-208 provides that the Secretary of the Department of Finance and Administration may make reasonable rules not inconsistent with the law that are necessary or desirable for the orderly discharge of the duties vested in the Department of Finance and Administration.

Arkansas Code § 26-18-301 provides that the Secretary of the Department of Finance and Authority shall administer and enforce the provisions of every state tax law and when necessary, shall promulgate and enforce the rules.

- b. REPEAL Gross Receipts and Use Tax Regulation, 1989-1, Enterprise Zones

DESCRIPTION: This is a repeal of the Enterprise Zones Rule 1989-1. The rule expired upon the promulgation of Rule 1993-11 (the Enterprise

Zone Act of 1993). Rule 1989-1 is no longer necessary and should be repealed.

PUBLIC COMMENT: A public hearing was held on September 9, 2025, and the public comment period expired on September 24, 2025. The agency received no public comments.

The proposed effective date of this repeal is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 19-1-208 provides that the Secretary of the Department of Finance and Administration may make reasonable rules not inconsistent with the law that are necessary or desirable for the orderly discharge of the duties vested in the Department of Finance and Administration.

Arkansas Code § 26-18-301 provides that the Secretary of the Department of Finance and Authority shall administer and enforce the provisions of every state tax law and when necessary, shall promulgate and enforce the rules.

c. REPEAL Enterprise Zone Act of 1993, 26 CAR pt. 170

DESCRIPTION: This is a repeal of DFA Enterprise Zone Rule 1993-11, now codified at 26 CAR § 170-101 et seq., titled “Enterprise Zone Act Rule of 1993”. This enterprise zone rule was eliminated by the enactment of Act 807 of 2001. DFA Enterprise Zone Rule 1993-11, now codified at 26 CAR § 170-101 et seq., titled “Enterprise Zone Act Rule of 1993” is no longer valid and should be repealed.

PUBLIC COMMENT: A public hearing was held on September 9, 2025, and the public comment period expired on September 24, 2025. The agency received no public comments.

The proposed effective date of this repeal is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that there is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 19-1-208 provides that the Secretary of the Department of Finance and Administration may make reasonable rules not inconsistent with the law that are necessary or desirable for the orderly discharge of the duties vested in the Department of Finance and Administration.

Arkansas Code § 26-18-301 provides that the Secretary of the Department of Finance and Authority shall administer and enforce the provisions of every state tax law and when necessary, shall promulgate and enforce the rules.

4. **Department of Finance and Administration, Arkansas Racing Commission (John Campbell, Byron Freeland, Christy Bjornson)**

- a. Rules Governing Horse Racing in Arkansas, 23 CAR pt. 357 (Winnings, 23 CAR § 357-601 et seq.)

DESCRIPTION: The proposed amendment to 23 CAR §357-611(c)(1) would amend the existing Arkansas Racing Commission (ARC) first waiver claiming rule to change the required layoff time from 60 to 120 days to be able to declare a horse ineligible to be claimed in the horse's first race back after a layoff. This would align the Arkansas rule with the rule in other jurisdictions operating under federal HISA guidelines and avoid confusion with a conflicting rule. This would further better follow the intent of the rule to only allow owners of horses that have been off for an extended period of time to qualify for the claiming waiver, especially in light of the fact there is a second waiver possibly available in the horse's second race back after a layoff.

The proposed amendment to 23 CAR §357-611(u) would repeal the claiming preference rule so a horse owner would no longer be awarded a claiming preference (in future claiming shakes/draws) if the owner's horse is claimed. The existing claiming preference rule has resulted in larger operations with many horses participating in claiming races ending up with numerous claiming preferences, while smaller operations with fewer horses being claimed end up with only a few or none, possibly resulting in some unfairness in the claiming process. The claiming preference was enacted several years ago and was not a part of traditional horse racing claiming rules. Accordingly, the proposed rule would repeal the claiming preference and basically revert to the more traditional claiming rule before the claiming preference was enacted.

PUBLIC COMMENT: A public hearing was held on October 8, 2025, and public comment period expired October 7, 2025. The agency indicated that it received no public comment.

The proposed effective date of this rule is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicated that this rule has no financial impact

LEGAL AUTHORIZATION: Arkansas Code § 23-110-204(a) sets forth that the Arkansas Racing Commission shall have "sole jurisdiction over the business and the sport of horse racing in this state where the racing is permitted for any stake, purse, or reward[.]" Furthermore, the commission shall have "full, complete, and sole power and authority to promulgate rules" and "the authority from time to time to make, amend, and enforce all necessary or desirable rules not inconsistent with law." Arkansas Code § 23-110-204(b)(1)(E), (d).

- b. Rules Governing Horse Racing in Arkansas, 23 CAR pt. 357 (Generally, 23 CAR § 357-101 et seq.)

DESCRIPTION: The proposed amendment to 23 CAR §357-108(a)(4) would amend the existing Arkansas Racing Commission (ARC) horse racing furosemide (Lasix) rule to allow a horse that was supposed to race on Lasix, but has not been administered Lasix (by mistake) by the required time before the race, to be allowed to run in the race without Lasix, subject to approval by the official veterinarian and Stewards. Otherwise, the horse would have to scratch from the race and this would result in financial hardship to the owner (to have to wait possibly several weeks for another race in which the horse is eligible to run).

The proposed amendment to 23 CAR §357-108(a)(5) would amend the existing ARC horse racing Lasix rule to provide that removal of a horse from the Lasix list (i.e., the list of horses eligible to run on Lasix) in order for the horse to participate in a “Lasix-free” race would be disregarded for purposes of the otherwise possible applicable waiting period to return to the list after removal from the list. Many races today (e.g., stakes races) are designated as “Lasix-free” races where the horses running in the race are not allowed to race on Lasix. For horses able to do so, running in Lasix-free races should be supported. Accordingly, removal of a horse from the Lasix list merely to participate in a Lasix-free race should not result in the horse possibly being subject to a waiting period before being placed back on the list.

PUBLIC COMMENT: A public hearing was held on October 8, 2025, and public comment period expired October 7, 2025. The agency indicated that it received no public comment.

The proposed effective date of this rule is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicated that this rule has no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 23-110-204(a) sets forth that the Arkansas Racing Commission shall have “sole jurisdiction over the business and the sport of horse racing in this state where the racing is permitted for any stake, purse, or reward[.]” Furthermore, the commission shall have “full, complete, and sole power and authority to promulgate rules” and “the authority from time to time to make, amend, and enforce all necessary or desirable rules not inconsistent with law.” Arkansas Code § 23-110-204(b)(1)(E), (d).

5. Department of Parks, Heritage, and Tourism, Tourism Division (Clay Stone, Susie Cowan, Marty Ryall)

- a. Festival Advertising Grants Program, 15 CAR pt. 370

DESCRIPTION: The Department of Parks, Heritage and Tourism, Tourism Division, proposes amendments to its Festival Advertising Grants

Program. This update includes an adjustment to the allocation of matching grant funds, allowing for increased eligibility for applicants, and clarifies the program deadlines. The division is moving to an online application and management process for these grants. The amendments to the rule reflect the new digital method used for all aspects of the application process and other required digital submissions for grant distribution.

PUBLIC COMMENT: There was no public hearing held. The public comment period closed on September 22, 2025. The agency indicated that it received no public comments.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1. In 15 CAR § 370-104, the amended rule provides that, beginning in fiscal year 2027, the application period will open annually in January of each year. What application period will be in effect prior to fiscal year 2027, assuming that the rule goes into effect as amended?

RESPONSE: The current application time frame will stay in place until then. The new system will begin in FY27.

2. Is there an application deadline, or closing date, for the application period set out in the amended rule? **RESPONSE:** There is no closing date to the application process. The application will simply open in January, and recipient notifications will go out in May with funding available in July.

The proposed effective date is December 1, 2025.

FINANCIAL IMPACT: The agency has indicated that the amended rule does not have a financial impact.

LEGAL AUTHORIZATION: Pursuant to Arkansas Code Annotated § 15-11-205(a), the Secretary of the Department of Parks, Heritage, and Tourism shall be charged with the duty of administering the provisions of Ark. Code Ann. § 15-11-201 et seq, which concern the State Parks, Recreation, and Travel Commission, and the rules and orders established thereunder.

b. Regional Tourist Associations Grant Program, 15 CAR pt. 371

DESCRIPTION: The Department of Parks, Heritage and Tourism, Tourism Division, proposes amendments to its Regional Tourist Associations Grant Program. These are amendments to the rules governing the grant procedures for Regional Tourist Promotion Agencies. The division is moving to an online grant application process. These amendments reflect the streamlining of that process for media and promotional material production and use. They remove inefficiencies and duplicative or eliminated processes that the agency has identified in the rules. The amendments also remove the duplication of the text of the

statutes governing the creation of the agencies and the Matching Grant Funds already found in the Arkansas Code.

PUBLIC COMMENT: There was no public hearing held. The public comment period closed on September 22, 2025. The agency indicated that it received no public comments.

The proposed effective date is December 1, 2025.

FINANCIAL IMPACT: The agency has indicated that the amended rule does not have a financial impact.

LEGAL AUTHORIZATION: The Department of Parks, Heritage, and Tourism may promulgate rules to administer the grant program under Arkansas Code Annotated § 15-11-406, which concerns grants from the department. *See* Ark. Code Ann. § 15-11-406(b)(3). Furthermore, the State Parks, Recreation, and Travel Commission shall promulgate reasonable rules regarding the use of matching funds that are available to the respective regional tourist promotion agencies. *See* Ark. Code Ann. § 15-11-408(a)(1).

D. Evaluation of Rule Review Group 3 Agencies Pursuant to Act 781 of 2017 and Act 65 of 2021

- 1. Arkansas Rural Medical Practice Student Loan and Scholarship Board (Tammy Henson-Platt)**
- 2. Arkansas Teacher Retirement System (Mark White, Jennifer Kelly)**
- 3. Group 3 Agencies Having No Rules to Report¹ (Courtney Salas-Ford, Daniel Shults, items a – d; Carlton Wing, item e)**
 - a. Department of Education, Arkansas School for the Blind
 - b. Department of Education, Arkansas School for the Deaf
 - c. Department of Education, Martin Luther King, Jr. Commission
 - d. Department of Education, State Board of Private Career Education
 - e. Department of Education, Educational Television Division

E. Agency Updates on the Status of Outstanding Rulemaking from the 2023 Regular Session Pursuant to Act 595 of 2021

- 1. Department of Commerce, Arkansas Economic Development Commission (Brian Black, Allison Hatfield)**

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

- Consolidated Incentive Act Rules (Act 834 of 2023)
 - The Arkansas Economic Development Commission has determined that rules under the Consolidated Incentive Act are

¹ The rules report submitted for each agency reflects no rules currently in effect.

not necessary to accomplish the goals of Act 834 of 2023 and is currently working to repeal the existing Consolidated Incentive Act rules. Under Ark. Code Ann. § 15-4-2710, rules are allowed but not required under the Act. The existing rules are unclear and largely restate the statute, serving as a potential barrier to businesses looking to utilize the Act's incentives. AEDC is currently in the public comment phase.

2. Department of Corrections (Wade Hodge, Kevin Smith)

Rules Outstanding as of November 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 preliminarily approved it. There was a stakeholder request for a definition change. The updated rule is being reviewed.

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 has been submitted for review by the executive.

3. Department of Education (Courtney Salas-Ford, Daniel Shults)

Rules Outstanding as of November 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 was temporarily suspended due to the passage of Act 903 of 2025. Rulemaking will resume now that a new slate of library board members has been appointed.

Division of Career and Technical Education

- Rules Governing the Approval of Computer Science-Related Career and Technical Education Courses (Act 654, § 4 of 2023)
 - This rule has been redrafted in compliance with the Code of Arkansas Rules. It is anticipated that the final rule will be submitted to ALC for review in January.
- Rules Governing the Vocational Start-Up Grant Program (Act 867, § 7 of 2023)

- The ADE is requesting to be excused from rule making regarding this program.

Division of Elementary and Secondary Education

- 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. It is anticipated that the final rule will be submitted to ALC for review in January.
- Rules Governing Grading and Course Credit (Act 654, §§ 2, 4 of 2023)
 - This rule was approved by the State Board of Education to be released for 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. It is anticipated that the final rule will be submitted to ALC for review in January.

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. It is anticipated that the final rule will be submitted to ALC for review in January.
- 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. It is anticipated that the final rule will be submitted to ALC for review in January.

Division of Higher Education

- Rules Governing Universal Academic Credit (Act 237, § 54 of 2023)
 - 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. It is anticipated that the final rule will be submitted to ALC for review in January.

F. Agency Monthly Written Updates Pursuant to Act 595 of 2021 Concerning Rulemaking from the 2025 Regular Session

G. Adjournment