

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

**Thursday, December 18, 2025**

**10:00 a.m.**

**Room A, MAC**

**Little Rock, Arkansas**

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- A. Call to Order**
  - B. Report from the Executive Subcommittee Concerning Emergency Rules**
  - C. Rules Filed Pursuant to Arkansas Code § 10-3-309**

- 1. Arkansas Public Service Commission (Jason Donham, Dawn Kelliher, Danni Hoefer)**

- a. Arkansas Gas Pipeline Code for Design, Construction, Operation, Inspection, and Maintenance of Natural Gas Systems, 23 CAR pt. 500

**DESCRIPTION:** As the result of the need to adopt U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration's changed to the Pipeline Safety Regulations, 49 C.F.R. Parts 191, 192, and 199, and the need to conform Arkansas regulations to federal and state law, the Pipeline Safety Office ("PSO") offers this summary of its proposed changes to the Arkansas Gas Pipeline Code ("Code"):

**Summary of Changes**

**I. Administrative History of the Code**

The description of the proposed changes to the Code have been added.

**II. Definitions**

Definitions of "emergency order" and "imminent hazard" were added per FR Vol. 84, No. 190, October 1, 2019. The FR also added a definition for formal hearing, which was not included in the Arkansas revisions because "formal hearing" does not otherwise appear in the Arkansas Pipeline Safety Code.

**III. Part 191 – Transportation of Natural and other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports**

1. § 191.1 Scope. FR Vol. 86, No. 217, November 15, 2021, changed subsection (a) - the applicability of the reporting requirements - by removing the applicability of §§ 191.22(b) and (c) and 191.23 if the pipeline operates at less than 0 psig or through a pipeline that is not a regulated onshore gathering pipeline. The federal changes also contained a

section related to the Outer Continental Shelf and the inlets of the Gulf of Mexico which are inapplicable to Arkansas and as such, were excluded.

2. § 191.5(b) and (d) - contact information was updated.

3. § 191.5(e) was removed because the reporting threshold was too low which resulted in a waste of state assets. Subsection (d) was added to subsection (a) which requires the reporting of an Incident as defined. The definition of Incident includes a death, or personal injury necessitating in-patient hospitalization; estimated property damage of \$122,000 or more, excluding cost of gas lost (this reporting threshold is adjusted for inflation and reported on the PHMSA website – as of July 1, 2024, the revised reporting threshold was \$145,400); or unintentional estimated gas loss of three million cubic feet or more.

4. § 191.7 and § 191.11 - The contact information was updated.

5. § 191.15 regarding incident reporting was amended pursuant to FR Vol. 87, No. 113, June 13, 2022 (87 FR 35677; FR Vol. 86, No. 217, November 15, 2021; and FR Vol. 85, No. 29, February 12, 2020.

6. § 191.17 Annual Report was amended pursuant to FR Vol. 87, No. 113, June 13, 2022 (87 FR 35677) and FR Vol. 86, No. 217, November 15, 2021.

7. § 191.23(a)(2) was added per FR Vol. 85, No. 29, February 12, 2020, amending the reporting requirements for underground storage facilities which have general corrosion which has reduce the wall thickness of any metal component.

8. § 191.23 was altered to add underground storage facilities per FR Vol. 85, No. 29, February 12, 2020, and to exempt master meter system safety-related condition reporting pursuant to FR Vol. 86, No. 217, November 15, 2021, and FR Vol. 87, No. 86, May 4, 2022 (87 FR 26299).

9. § 191.25 was updated with current contact information.

10. § 191.29 - Subsection (c) was added to exclude gathering pipelines from the National Pipeline Mapping System pursuant to FR Vol. 86, No. 217, November 15, 2021.

#### **IV. Part 192 – Transportation of Natural and other Gas by Pipeline: Minimum Safety Standards**

1. § 192.3 - Definitions of “Close Interval Survey,” “Composite Materials,” “Distribution Center,” “Dry gas,” “Entirely replaced onshore transmission pipeline segments,” “Hard Spot,” “In-line inspection,” “In-line inspection tool or instrumented internal inspection,” “Notification of potential rupture,” “Rupture- mitigation valve,” and “wrinkle bend” were added to pursuant to: FR Vol. 87, No. 163, August 24, 2022; FR Vol. 86, No. 217, November 15, 2021; FR Vol. 88, No. 146, August 1, 2023; FR Vol. 89, No. 83, April 29, 2024; FR Vol. 85, No. 29, February 12, 2020; and FR Vol. 87, No. 205, October 25, 2022.

2. **§ 192.3** -Definitions. A definition for underground natural gas storage facility (UNGSF) was added pursuant to FR Vol. 85, No. 29, February 12, 2020.

3. **§ 192.7** - Contacts and references were updated in pursuant to: FR Vol. 86, No. 6, Jan. 11, 2021 (subsequently deleted per FR Vol. 87, No. 163, August 24, 2022); FR Vol. 89, No. 83, April 29, 2024; FR Vol. 87, No. 163, August 24, 2022; FR Vol. 84, No. 190, October 1, 2019.

4. **§ 192.7(a)(i) –(iii)** duplicated information already contained in the section and were deleted.

5. **§ 192.8** - Subsection (a)(5) regarding gathering lines was added; subsection (b) was replaced; and (c) related to safety buffers was added pursuant to FR Vol. 86, No. 217, November 15, 2021.

6. **§ 192.9** - References were updated, clarification as to the exemptions for Type A lines, the requirements for Type C gathering lines were added pursuant to FR Vol. 87, No. 163, August 24, 2022; FR Vol. 88, No. 146 (88 FR 50060), August 1, 2023 (which also added provisions to the end of (b), but the added language was related to offshore gathering lines which are in applicable in AR, so were not included); FR Vol. 87, No. 163, August 24, 2022;

7. **§ 192.11** - was struck in its entirety as there are no petroleum gas systems in the state of Arkansas.

8. **§ 192.12** regarding underground natural gas storage facilities was added pursuant to FR Vol. 85, No. 29, February 12, 2020 (85 FR 8126).

9. **§ 192.13** - compliance deadlines and a requirement for a management of change process were added pursuant to FR Vol. 86, No. 217, November 15, 2021, and FR Vol. 87, No. 163, August 24, 2022.

10. **§192.18** - contact information was updated pursuant to FR Vol. 86, No. 217, November 15, 2021; FR Vol. 87, No. 163, August 24, 2022; and FR Vol. 87, No. 68, April 8, 2022.

11. **§ 192.112** - references were changed pursuant to FR Vol. 89, No. 83, (89 FR 33280), April 29, 2024.

12. **§ 192.113** - references were changed pursuant to FR Vo. 89, No. 83, (89 FR 33280), April 29, 2024.

13. **§ 192.121** - changes were made to Table 1 to paragraph (c)(2)(iv)(PE Pipe – Minimum Wall Thickness and SDR values); Table 2 to paragraph (d)(2)(iv)(PA- 11 Pipe: Minimum Wall Thickness and SDR Values); and Table 3 to Paragraph (e)(4)(PA-12 Pipe: minimum wall thickness and SDR values) pursuant to FR Vol. 89, No. 83, (89 FR 33280), April 29, 2024.

14. §§ **192.145 and 192.147** – references were updated pursuant to FR Vol. 89, No. 83, (89 FR 33280), April 29, 2024.

15. § **192.150** - added gathering lines to the list of exemptions pursuant to FR Vol. 86, No. 217, November 15, 2021.

16. § **192.153(d) and § 192.163(e)** - updates were made pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.

17. § **192.179** - subsections (e), (f), (g), and (h) were added to Transmission Line Valve regarding rupture-mitigation valves pursuant to FR Vol. 88, No. 146, (88 FR 50060), August 1, 2023, and FR Vol. 87, No. 68, April 8, 2022.

18. § **192.225(a)** - an exception was added to pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.

19. § **192.279** - references were changed pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.

20. § **192.281(c) & (e)** - changes were made to pursuant to Docket No. PHMSA-2014-0098; Amdt. No. 192-194 and FR Vol. 83, No. 224, Nov. 20, 2018.

21. § **192.319(c), (d), and (e)** were added pursuant to FR Vol. 87, No. 163, August 24, 2022, to require the operator to perform an inspection 6 months after installing an onshore steel transmission line in a backfilled ditch for any coating damage and to ensure integrity of the coating and to develop a remedial action plan, among other things.

22. § **192.321** - Docket No. PHMSA-2014-0098, Amdt. No. 192-194, FR Vol. 83, No. 224, November 20, 2018, changed the requirements for the installation of plastic pipe; Subsection (j) was moved to (g) to make section consistent with the federal numbering. The requirement for written permission was added by PSO and is more stringent than the federal requirements.

23. § **192.328** – added the Table from the federal version which was inadvertently excluded from prior revisions.

24. § **192.452** – added subsections (c) and (d) which clarify the applicability of Type A, B, and C onshore gathering lines pursuant to FR Vol. 86, No. 217, November 15, 2021.

25. § **192.461** added pursuant to Vol. 87, No. 163, August 24, 2022, adds the requirement for an operator backfilling following repair or replacement to perform an assessment to assess any coating damage and ensure integrity within 6 months of the repair or replacement and prepare a remedial action plan.

26. § **192.473(c)** was added per FR Vol. 87, No. 163, August 24, 2022, to require interference surveys for pipeline systems.

27. § **192.473(c)** - subsection 192.473(c)(3) was added pursuant to FR Vol. 88, No. 78, (88 FR 24711), April 24, 2023, to require remedial action plans.

28. § **192.478** was added to include monitoring requirements for onshore gas transmission pipeline with corrosive constituents pursuant to FR Vol. 87, No. 163, August 24, 2022, 87 FR 52270.

29. § **192.485(c)** - regarding calculating remaining strength was revised pursuant to FR Vol. 7, No. 163, August 24, 2022 (87 FR 52270).

30. § **192.610** Change in class location: Change in valve spacing was added pursuant to FR Vol. 87, No. 68, April 8, 2022, and FR Vol. 88, No. 146, (88 FR 50061), August 1, 2023.

31. § **192.613(c)** - regarding assessment requirements and remedial requirements following an extreme weather event or natural disaster that has the likelihood of damage to pipeline facilities was added pursuant to FR Vol. 87, No. 163, (87 FR 52270), August 24, 2022, added.

32. § **192.615(a)(2), (6), (7), (8), (11), and (12) and (c)** expanded the requirements for establishing and maintaining adequate means of communication with the appropriate public safety answering point along with other emergency response requirements pursuant to FR Vol. 87, No. 68, April 8, 2022.

33. § **192.617** regarding Investigation of Failures was completely and extensively revised pursuant to FR Vol. 87, No. 687, April 8, 2022.

34. § **192.619(c)(2)** was added pursuant to FR Vol. 86, No. 217, November 15, 2021, to establish MAOP for Type C gas gathering pipeline by other means if actual operating pressure cannot be determined.

35. § **192.625(f)** - Additions were added to make consistent with the federal regulations which were implemented pursuant to 35 FR 12257, August 19, 1970.

36. § **192.625(g) and (h)** were changed to make the requirement more stringent than the federal regulations by requiring 3 years' worth of odorant concentration tests be maintained and submitted to PSO upon request. Subsection (h) was modified to clarify that odorant concentration tests were to be conducted every six months but not to exceed 7 months.

37. § **192.634** regarding transmission lines and onshore valve shut off for rupture mitigation was added pursuant to FR Vol. 87, No. 68, April 8, 2022, and FR Vol 88, No. 146 (88 FR 50061).

38. § **192.635** - notification of potential rupture was added pursuant to FR Vol. 87, No. 68, April 8, 2022. Subsection (c) exempting gathering lines from the section was added pursuant to FR Vol. 89, No. 125 (89 FR 53880), June 28, 2024.

39. § 192.636 Transmission lines: Response to a rupture; capabilities of rupture- mitigation valves (RMVs) or alternative equivalent technologies was added on April 8, 2022, pursuant to FR Vol. 87, No. 68 (87 FR 20985).

40. § 192.636(h) was corrected pursuant to FR Vol 88, No. 146 (88 FR 50062) on August 1, 2023.

41. § 192.710(f) - references were added to §§ 192.712 and 192.714 pursuant to FR Vol. 87, No. 163 (87 FR 52270), on August 24, 2022.

42. § 192.711 - on August 24, 2022, FR Vol. 87, No. 163 (87 FR 52270) struck subsection (b) and added subsections (b)(1)(i) and (ii) regarding non-integrity management repairs for gathering lines, offshore and onshore transmission lines.

43. § 192.712 - on August 24, 2022, FR Vol. 87, No. 163 (87 FR 52270) added additional subsections regarding analysis of predicted failure pressure including subsection (c) regarding the evaluation of dents and other mechanical damage and added subsection (h) regarding reassessments if an engineering critical assessment method is used.

44. § 192.712(d)(2) was struck by PSO because it was duplicative.

45. § 192.714 - regarding repair criteria for onshore transmission pipelines, was added and amended pursuant to FR Vol. 87, No. 163 (87 FR 52711), August 24, 2022; 88 FR 24712, April 24, 2023; and 89 FR 33281, April 29, 2024.

46. § 192.727(g)(1) - references were changed pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.

47. § 192.745 - FR Vol. 87, No. 68, April 8, 2022 (87 FR 20986) added subsections (c), (d), (e), and (f) to valve maintenance requirements for the safe operation of transmission lines.

**V. § 192.801 et seq. - Subpart N – Qualification of Pipeline Personnel**

PSO has amended this section to improve safety and prevent cross-accreditation by contractors. This section is more stringent than the federal regulations which do not have the listed requirements.

The current definition of “Qualified” in § 192.803 means “an individual has been evaluated and can: (a) perform assigned covered tasks; and (b) recognize and react to abnormal operating conditions.” The extremely broad interpretation of “evaluated” has resulted in cross-accreditation by some contractors resulting in under-trained and unqualified persons working on pipeline systems which raises a public safety concern. The proposed changes are intended to tighten and close this qualification loophole.

**VI. § 192.901, et seq., Subpart O – Gas Transmission Pipeline Integrity Management**

1. **§ 192.903; § 192.907(b); § 192.911(i), (k), and (m); and § 192.917(a)** - changed definition of “Potential impact radius” pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.

2. **§ 192.917** - regarding identifying potential threats to pipeline integrity; data gathering, risk assessment; and plastic transmission pipeline were added pursuant to FR Vol. 87, No. 163 (87 FR 52273), August 24, 2022.

3. **§ 192.917(e)(5)** - regarding corrosion identification and remediation was added to make the PSC consistent with the federal rules.

4. **§ 192.921(a)(2), § 192.923(b)(1), and § 192.925** - reference were corrected pursuant to FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.

5. **§ 192.923(b)(2) and (3)** - references were corrected pursuant to FR Vol. 87, No. 163 (87 FR 52274), August 24, 2022.

6. **§ 192.927** Internal Corrosion Direct Assessment (ICDA) - changes were made pursuant to FR Vol. 87, No. 163 (87 FR 52275) August 24, 2022. The changes also included that Subsection (c) regarding the ICDA plan was struck and replaced.

7. **§ 192.929** Direct Assessment for Stress Corrosion Cracking (SCCDA) - changes and additions were made to requirements pursuant to FR Vol. 87, No. 163 (87 FRE 52276), August 24, 2022.

8. **§ 192.933** - Actions to Address Integrity Issues – was changed pursuant to FR Vol. 87, No. 163 (88 FR 5227); FR Vol. 88, No. 78 (88 FR 24712), April 24, 2023; and FR Vol. 89, No. 83 (89 FR 33280), April 29, 2024.

9. **§ 192.935** - Additional Measures Beyond Those Required to Prevent Pipeline Failure and to Mitigate the Consequences of Pipeline Failure in HCA changed pursuant to FR Vol 87, No. 163 (87 FR 52279), August 24, 2022.

10. **§ 195.933(b)** - reference corrections were made pursuant to FR Vol. 89, No. 83 (89 FR 33282), April 29, 2024.

11. **§ 195.933** - subsection (c) regarding risk analysis for gas releases and protection against ruptures was added per FR Vol 87, No. 68 (87 FR 20986), April 8, 2022. Subsection (d)(3) [renumbered] was changed pursuant to FR Vol. 87, No. 163 (87 FR 52279), August 24, 2022. Subsection (f) regarding periodic evaluations was added pursuant to FR Vol. 87, No. 68 (87 FR 20986), April 8, 2022.

12. **§ 192.937 and § 192.939** - References were corrected pursuant to FR Vol 89, No. 83 (89 FR 33280), April 29, 2024.

13. **§ 192.939(b)(1-6)** - regarding reassessment of pipelines operating below 30% SMYS were added per FR Vol. 84, No. 190, October 1, 2019, and were inadvertently left out of previous revisions to the Code. These sections were added in the proposed amendments.

14. **§ 192.941** - Changes regarding low stress assessment were made pursuant to FR Vol. 87, No. 163 (87 FR 52279), August 24, 2022.

**VII. Appendix E to Part 192, Guidance on Determining HCAs and on Carrying out Requirements in the Integrity Management Rule**

Table E.II.1, Preventative and Mitigative Measures for Transmission Pipelines Operating Below 30% SMYS not in an HCA but in a Class 3 or Class 4 Location was changed pursuant to FR Vol. 81, No. 68, April 8, 2016.

**VIII. Part 193 – Liquefied Natural Gas Facilities: Federal Safety Standards**

Part 193 - Liquefied Natural Gas (“LNG”) Facilities: Federal Safety Standards was removed in its entirety as no longer necessary because there are no LNG facilities within Arkansas borders. It is unlikely that an LNG facility will be located in Arkansas in the near future. As such, the section is no longer necessary and all references to the section were removed in the remainder of the Code.

**Post-public comment period changes:**

The commission made the following changes to the rule promulgation following the expiration of the public comment period:

- In § 191.17(a) and (b) Pipeline Safety Office (“PSO”) removed the placeholder “[insert email address]” in both (a) and (b) and replaced it with the email address for filing reports pursuant to the Bureau of Legislative Research’s (“BLR”) comment received on July 18, 2025.
- BLR also questioned why changes promulgated by the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) on January 15 and July 1, 2025, were not included in this rulemaking. As stated in PSO’s response to BLR on July 30, 2025, PHMSA makes many changes to its regulations during the calendar year. It is PSO’s intent to annually file a rulemaking reflecting all the changes in the past year. Because the PHMSA changes were made within 2025, they will be addressed in the rulemaking filed late fourth quarter 2025 or early in the first quarter of 2026.
- BLR also questioned why the PHMSA changes to § 192.9(b) and (c) were not made to the Arkansas Code. §192.9(b) applies to offshore gathering lines. There are no offshore gathering lines in Arkansas, so this section is not included in the AR Code. § 192.9(c) applies to Type A regulated onshore gathering lines.



Type A onshore gathering lines are a specific classification of gas gathering pipelines. They are defined by their operating pressure and the population density of the area they traverse. Arkansas does not have Type A regulated onshore gathering lines, so this section will not be included in future rulemakings. (See § 192.8 for how to classify natural gas lines.)

- The numbering in § 191.23 underwent significant revisions. In § 191.23(b)(4)(ii) the provision regarding the reporting requirements of subdivision (a)(10) (which was previously (a)(9)) were struck because the PSO doesn't have jurisdiction over interstate transmission lines. The PSO does have jurisdiction over interstate transmission lines during repair or construction at river or riparian crossings and intrastate transmission lines. Because the language of (a)(10) does not distinguish "transmission lines" to this level, the decision was made to leave the section as is. Subsection 191.23(b)(4)(ii) will be inserted prior to the final rulemaking and will read "Any condition under paragraph (a)(10) of this section."
- BLR pointed out that the new language included in § 192.319(f) was incorrectly duplicated in the definition of "wrinkle bend" in § 192.3(2)(ii)(B) of the AR Code. The duplicate language has been removed from the definition.
- In § 192.147(a) BLR pointed out that the phrase "or the equivalent" was not removed when making the revisions. It has been removed.
- BLR questioned the use and placement of the conjunction "and" between § 192.150(b)(6) and (8) and after (8). In the current version of the CFRs, § 192.150(b)(7) was struck in the Arkansas Pipeline Code because it pertained to offshore transmission lines which the PSO does not regulate. Because of this, the redline version of § 192.150(b)(7) was renumbered as § 192.150(b)(8). The conjunction "and" at the end of 192.150(b)(6) was struck.
- BLR also pointed out that the "or the equivalent" language immediately preceding the added language in § 192.147(a) was not removed. This language has been struck.
- BLR also asked, "Regarding 192.319(f), why did the commission strike language in subsection (f) that matches the corresponding federal regulation, 49 CFR § 319(f), and replace it with a duplicate of the language in subsection (e)?"
  - On August 24, 2022, pursuant to FR Vol. 87, No. 163 (87 FR 52268), new sections (d) – (g) were added to § 192.319 by PHMSA. The federal version of the rule includes a different subsection (c) which relates to offshore facilities.

The PSO does not regulate offshore facilities, so subsection (c) was not included in the AR Code. As such, the additions were renumbered, and the new subsection (d) became (c) in the Arkansas Code. Subsection (f) in the redline version would be subsection (g) of the changes. PSO inadvertently duplicated (e) and (f). Subsection (f) should read: “An operator of an onshore steel transmission pipeline must make and retain for the life of the pipeline records documenting the coating assessment findings and remedial actions performed under paragraphs (c) – (e) of this section.” This change was made.

- In addition, in reviewing the above, PSO noted that the reference in subsection (d) to “under paragraph (d)” should be “under paragraph (c).” This change has been made.
- BLR asked the following: “Regarding 192.615(a), second (10) and (11), your rule contains a list of (a)(1) – (12), and then it has a second (10) and (11) at the end. Those two provisions labeled (10) and (11) appear in the corresponding federal regulation, 49 CFR § 192.615, as (b)(2) and (3). Can you explain?”
  - PSO responded: Sections (10) and (11) are Arkansas-specific and have been previously approved by the Commission. The two sections are different from (b)(2) and (3). Sections (10) and (11) have been renumbered to (13) and (14) respectively.
- In response to Questions #15 and #16 by BLR, PSO discovered that the list (1) – (4) in § 192.615(b) should have been included in subsection (c). PSO has made this correction and revised subsection (b) to make it consistent with the federal code.
- BLR asked why § 192.615(d) is included in the current version of the AR Code when it is not present in the federal code. Subsection (d) is mislabeled in the current version of the AR Code as (e). Subsection (d) related to key valves for safe system operation for isolation of distribution systems or transmission lines, is Arkansas specific, is more stringent than the federal rules, has been previously approved by the Commission, and will not be revised at this time.
- BLR asked why both § 192.617(c) and (d) of the Code contain the phrase, “or a Type A gathering pipeline”, while that phrase is absent in the corresponding federal regulation.
  - The changes made to § 192.617(c) and (d) were made pursuant to 87 FR 20983 enacted on April 8, 2022. The phrase “or a Type A gathering pipeline” was included in the 2022 federal changes which PSO incorporated. In

response to a Petition for Reconsideration, on June 28, 2024, PHMSA issued additional corrections (89 FR 53877) codifying a decision of the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit). See *GPA Midstream Ass’n v. U.S. Dep’t of Transportation*, 67 F.4th 1188 (D.C. Cir. 2023). The D.C. Circuit, among other things, vacated the Valve Rule’s regulatory amendments as they applied to gathering lines. PHMSA removed references to Type A gathering lines in § 192.617(b) through (d). PSO has removed the same references in the AR Code.

- In response to BLR’s question, why § 192.634(c) was not removed to match the federal code? The retention of (c) was an error. The subsection has been struck.
- PSO struck references in § 192.917 to expired deadline. When responding to BLR’s comment regarding the reason for the removal, PSO discovered additional references in § 192.917 regarding expired deadlines. These references have been struck.
- The second sentence in § 192.935(a)(1) was not removed when incorporating the federal revisions as pointed out by BLR. This sentence has been removed to make it consistent with the federal version.
- As pointed out by BLR, in § 192.941(b)(1) was not consistent with the federal version in that the phrase “examination” was not struck and replaced with “assessment on the covered segment.” This has been done.
- Table E.II.1 in Appendix E to Part 192 included changes proposed by PHMSA which have not yet been finalized. These changes have been removed. This change was made as the result of Question #25 of BLR.
- Table E.II.2 of Appendix E to Part 192 did not show all the text because of the line spacing in the rows. This has been corrected. The change was made pursuant to a comment of BLR.
- BLR pointed out some punctuation and grammar errors which have been corrected.
- In Response to Comments by Arkansas Oklahoma Gas Corporation, Summit Utilities Arkansas, Inc., and Black Hills Energy Arkansas, Inc., the definition of “Qualified” in § 192.803 was narrowed and modified to require only small operators receive certified training.
- After reviewing the document again, PSO noted that the change made to the definition of “Qualified” in § 192.803 contained

incorrect information. The definition stated "...a training program or institution accredited by PHMSA..." PHMSA does not offer accreditation. As such this phrase was removed and the definition was rewritten for grammatical consistency.

- § 191.23(a)(9) was reserved. This subsection is not in the federal regulations. The section was struck and the numbering was corrected.
- Per subsequent PSO review, § 192.917(c)(5) included a deadline which had already expired. This section has been struck.
- Because Section 193 was removed in its entirety, references to section 193 were removed per review of PSO in the last Paragraph of the Preface, § 190.9(a); § 190.11, and § 199.100.

**PUBLIC COMMENT:** The public comment period expired on August 6, 2025. The Arkansas Public Service Commission held a public hearing on this rule on August 6, 2025.

The commission provided the following summary of public comments:

Arkansas Oklahoma Gas Corporation and Summit Utilities of Arkansas, Inc., commenting jointly

**Comment 1:** Section 191.5(d) of the code has been amended to require notice of incidents to the Pipeline Safety Office ("PSO") to be made by telephone and electronically via email. In subsection (b) of this section, notice to the National Response Center must be provided either by telephone or electronically. In the past, there have been difficulties in reaching the PSO via telephone. The Companies recommend that notification to the PSO also be made either by telephone or email.

**Response 1:** PSO acknowledges that there have been past difficulties with its telephone response. PSO has taken steps to correct this issue by establishing an automatic roll-over system whereby calls will roll-over to the next number for response and repeat until the call is answered. PSO believes that requiring reporting by email and by telephone is the "belt and suspenders" approach necessary to ensure that the report is received timely.

**Comment 2:** Subpart N – Qualifications of Pipeline Personnel, section 192.803 has been amended to revise the definition of Qualified. Staff's Exhibit A, Summary and Description of Staff's Proposed Changes to the Arkansas Pipeline Code, states the revisions are more stringent than the federal regulations issued by the Pipeline and Hazardous Materials Safety Administration ("PHMSA"). Companies have concerns with the change to the federal definition of Qualified and the narrative provided in Staff's Exhibit A.

Staff states that the amended section is to "prevent cross accreditation by contractors" by changing the word evaluated to certified in the definition

of Qualified. The Companies do not agree that changing the word from evaluated to certified in fact limits cross-accreditation. There is no definition for “certified” in either Arkansas’s Code or the Federal Gas Pipeline Safety Code. It is the Companies’ understanding that cross-accreditation means that a contractor that is evaluated and receives a certification using one utility’s accreditation course cannot then use that same certification at another utility. The federal definition in 49 CFR §192.803 states that Qualified means an individual has been evaluated and can (a) perform assigned covered tasks; and (b) recognize and react to abnormal operating conditions. Therefore, it is unclear why using the word certified creates different requirements than a contractor who is evaluated and obtains a certification which that contractor can then use at another utility to demonstrate their ability to perform a covered task and recognize and react to abnormal operating conditions. It is also not necessary to limit cross-accreditation. Prohibiting the use of cross-accreditation is an unnecessary and costly administrative burden. Specifically prohibiting cross-accreditation would require each utility to have accreditation courses developed specifically for their company or require contractors to repeatedly take the same course each time they work for a new utility. The Companies agree to use Qualified contractors as defined by the 49 CFR § 192.803 but disagrees that they cannot use “off-the-shelf” training to evaluate their contractors which a contractor may then use at another utility. PHMSA has addressed the use of “off-the-shelf” OQ Programs and notes that if the operator chooses to use an off-the-shelf program, the operator is “fully responsible for understanding and meeting the provisions of the OQ requirements under parts 192 and 195.” Requiring tailored training programs that only one utility can use will require a significant amount of time and money to create the courses specific to the company. There is little benefit to creating training programs unique to one utility when the work is substantially the same for the contractors regardless of which utility they are contracting for. [footnotes removed].

The Companies disagree that changing the federal definition to use the word “certified” limits cross-accreditation. Limiting cross-accreditation is also an unnecessary restriction that would be time-consuming and expensive.

**Response 2:** The change PSO proposes is to address a situation it has been encountering more and more frequently in Arkansas in which small operators are “qualifying” other operators, who in turn are certifying other small operators as “qualified” without the benefit of any accredited course. This satisfies the current definition of “Qualified.” However, as one can imagine, this type of “training” of these small operators is haphazard at best. Unlike the larger operators which have their own certification courses, use “off-the-shelf” training mentioned in the comment, or send their operators to PHMSA to be trained, the targeted small operators that PSO has encountered often lack basic system knowledge. The lack of

oversight and consistency in training of these small operators is concerning to the PSO as it could potentially jeopardize public safety.

PSO acknowledges AOG & Summits concerns regarding applying “the fix” too broadly that the provision includes large operators. Black Hills Energy Arkansas, Inc. (“BHEA”) also had a similar comment. In response to the comments of AOG, Summit, and BHEA, PSO proposes the following language. The intent of the language is to distinguish between large and small operators pursuant to the definition of “operator” in § 192.3. In § 192.3, “operator” is defined as follows:

***Operator*** means a person who:

- (1) Engages in the transportation of gas; or
- (2) Operates a distribution system within a mobile home park, public housing authority, or multiple building complex if:
  - (A) The system:
    - (i) Is not owned, nor the responsibility of a public or municipal utility; and
    - (ii) Is used to transport gas from a master meter or a public/municipal utility main to consumers who may or may not be metered; and
  - (B) The gas distributed is not consumed solely by the owner/operator.

The revised definition of “Qualified” in § 192.803 would read as follows:

***Qualified*** means:

- (1) For an operator defined in § 192.3(1), that the individual can:
  - (a) Perform assigned, covered tasks; and
  - (b) Recognize and react to abnormal operating conditions.
- (2) For an operator defined by § 192.3(2), that an individual has been certified by a training program or institution accredited by the International Accreditors for Continuing Education and Training or other similar accreditation institution, that the individual can:
  - (a) Perform assigned, covered tasks; and
  - (b) Recognize and react to abnormal operating conditions.

## Black Hills Energy Arkansas

**Comment 1:** The proposed Section 192.803 is more stringent than the corresponding federal regulation because it requires that an individual be “certified by a training program or institution accredited by PHMSA, the International Accreditors for Continuing Education and Training, or other similar accreditation institutions.” The federal and current Arkansas regulation does not have this accreditation requirement. These regulations define “Qualified” in § 192.803 as an individual who has been evaluated and can: (a) perform assigned covered tasks; and (b) recognize and react to abnormal operating conditions. The stated purpose of this change is to prevent less competent contractors to train other contractors, resulting in undertrained and unqualified persons working [o]n pipeline systems. While unqualified trainers may be a legitimate concern in the industry, the requirement to accredit all training programs is not feasible at this time. BHEA is not aware of PHMSA accrediting operator training programs or other organizations’ operator training programs.

As an alternative for addressing the qualification issue BHEA suggest that the Pipeline Safety Office audit the actual training programs of operators and require improvements when it finds a substantial risk of unqualified trainers. This will allow multistate operators with good training programs like Black Hills to continue those programs and maintain consistency between states in which they operate.

**Response 1:** PSO acknowledges BHEA’s comment. Please see Subsection B, Response 2 to AOG’s & Summit’s Comments.

**Comment 2:** Staff has proposed to delete all of Part 193 governing Liquid Natural Gas facilities in its entirety because there are no longer any Liquid Natural Gas facilities in Arkansas. This is currently true. However, due to rapidly increasing demand for natural gas and pipeline capacity for economic development projects and power plants, as well as reliability concerns, both large customers and utilities will be considering LNG facilities as a resource alternative in the future. Therefore, BHEA believes the Commission should leave the LNG regulations in place in case large gas users or utilities elect to build LNG facilities. This would avoid any regulatory delay resulting from a need to reinstate the LNG regulations.

**Response 2:** PSO disagrees that Part 193 should be retained for several reasons. Arkansas State agencies are under a mandate from the Governor to remove any unnecessary regulations. Since no LNG facilities exist in the state, Part 193 is unnecessary and should be removed. Building an LNG facility takes years. If any potential large gas users or utilities plan on building an LNG facility in Arkansas, they have the opportunity to petition the Commission that the rules be reinstated. PSO knows of no pending plans to build an LNG facility in the state. The unnecessary rule should not be kept in place “just in case” an LNG facility is built at some unspecified time in the future.

**Arkansas Gas Consumers (AGC), by Mark Robinette** — The commission added the following commentary: “On July 31, 2025, at 3:07 p.m., Arkansas Gas Consumers (“AGC”) submitted a public comment to the proposed revision “Pursuant to Order No. 2...” However, Order No. 2 directed interested persons to submit written comments prior to the hearing no later than 12:00 p.m. on July 30, 2025. As such, AGC’s comments are untimely. In the event that the Commission accepts the comment, PSO has provided the following response.

**Comment:** AGC is a voluntary trade group representing large-volume natural gas consumers in Arkansas. Many of our members operate industrial facilities that are directly connected to interstate or intrastate gas transmission lines via privately owned lateral pipelines. These unique infrastructure configurations, while designed and operated to the highest safety standards, are not always squarely contemplated by uniform code requirements that were primarily developed with distribution utilities and common carrier operators in mind. (To this end, AGC is appreciative that none of the grandfathering provisions of the code have been altered in this rulemaking.)

With the proposed incorporation of the expanded federal regulations, we are concerned that these longstanding private pipelines may at some point in the future become subject to significant new compliance burdens. If these burdens are to go through, they will have significant economic impact on AGC’s membership.

AGC therefore requests that the Commission consider mitigation strategies for owners of private pipeline systems including:

1. Safe Harbor or Phased Compliance. We respectfully ask the Commission to consider establishing a safe harbor or alternate compliance pathway for privately owned intrastate pipelines, serving a single industrial end-user that demonstrate continuous, incident-free operation. Private pipeline systems generally pose minimal public risk. Blanket retroactive requirements could impose significant cost without commensurate safety benefit.

2. Availability of Waivers (§ 190.11). We request confirmation that operators may still seek individualized waivers where compliance with newly triggered obligations would be unduly burdensome or impractical, particularly where equivalent safety can be demonstrated by long-standing operating history.

3. Proposal for a Streamlined Waiver Process. We further encourage the Commission to consider adopting a streamlined administrative process for waivers under § 190.11. Presently, waiver applications must be filed as formal dockets, which imposes significant administrative burdens, particularly for industrial operators whose



privately owned pipelines serve only their own facilities and present no third-party exposure. In cases where the waiver sought concerns documentation gaps (e.g., material traceability or MAOP verification), and where a long history of safe operation can be demonstrated, it would be appropriate to allow the Pipeline Safety Office to evaluate and grant relief without a full docketed proceeding. We propose a staff-administered review track for such waivers, with public notice but without requiring contested proceeding, as a practical and resource-efficient solution.

We appreciate the opportunity to comment and welcome the chance to discuss this matter further if the Commission or Staff deems it helpful.

AGC submits these comments without waiving any legal rights or remedies available to its members now or in the future. Nothing here shall be construed as agreement with all aspects of the proposed rule revisions, nor shall the omission of a specific concern be deemed a waiver of the right to raise that issue in subsequent proceedings, including compliance, enforcement, or adjudicatory matters.

AGC and its members expressly reserve the right to supplement, amend, or otherwise revise these comments as additional information becomes available.

**Response:** PSO acknowledges AGC's comments. AGC's comments do not appear to address any of PSO's recommended revisions, but rather expanded revisions to the federal regulations which may or may not occur in the future. PSO is willing to discuss with AGC any concerns it may have regarding the regulations. Please note, however, any applicable federal regulations are required to be incorporated into the Arkansas Gas Pipeline Code pursuant to the Arkansas Natural Gas Pipeline Safety Act of 1971 (Ark. Code Ann. § 23-15-201 et seq.). No changes will be made by PSO as a result of AGC's comments at this time.

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

**(1)** Regarding 90 FR 3713 (January 15, 2025) why did the Arkansas Public Service Commission not incorporate the changes made by the Pipeline and Hazardous Materials Safety Administration (PHMSA) in 90 FR 3713 (January 15, 2025)? That amendment concerned the following sections:

- o Amendment of 49 CFR § 192.9(b), (c), (d)(2), and (e)(1)(ii)
- o Removal of 49 CFR § 192.478
- o Amendment of 49 CFR § 192.714(d)(1)(iv) and (v)
- o Amendment of 49 CFR § 192.927(c)(4)(iii)(A)
- o Amendment of 49 CFR § 192.933(d)(1)(iv) and (v)

**Response:** §192.9(b) applies to offshore gathering lines. There are no offshore gathering lines in Arkansas, so this section would not and will not be included in any Arkansas rulemakings.

§ 192.9(c) applies to Type A regulated onshore gathering lines. Type A onshore gathering lines are a specific classification of gas gathering pipelines. They are defined by their operating pressure and the population density of the area they traverse. Arkansas does not have Type A regulated onshore gathering lines, so this section will not be included in future rulemakings. See § 192.8 for how to classify natural gas lines.

§ 192.9(d)(2) applies to Type B regulated onshore gathering lines. This will be addressed in the next rulemaking.

§ 192.9(e)(1)(ii) applies to Type B regulated onshore gathering lines. This will be addressed in the next rulemaking.

(2) Regarding 90 FR 28054 (July 1, 2025), why did the commission not incorporate the changes made by PHMSA in 90 FR 28054 (July 1, 2025)? That amendment concerned the following section:

- o Amendment of 49 CFR § 192.624(a)(1)

**Response:** This will be addressed in the next rulemaking.

(3) Regarding 90 FR 28094 (July 1, 2025), why did the commission not incorporate the changes made by PHMSA in 90 FR 28094 (July 1, 2025)? That amendment concerned the following sections:

- o Amendment to 49 CFR § 192.7(c)(5), (6), and (7)
- o Amendment to 49 CFR § 192.714(c), (d)(1), and (d)(2)(iv)
- o Amendment to 49 CFR § 192.933(d)(1) and (d)(2)(iv)

**Response:** This will be addressed in the next rulemaking.

(4) Regarding 191-17(a)(2) and (b), the rule says “[insert email address]”. Is it intentional for the rule to read this way?

**Response:** Thank you for catching this. At the time of drafting, the email address was not available but had been requested. The “[insert email address]” acted as placeholders. When the email address was assigned, it was included in subsection (a)(1) but was inadvertently not replaced in (a)(2) and (b). This will be corrected prior to the final rulemaking.

(5) Regarding 191.23(b)(4)(ii), under the corresponding federal regulation, 49 CFR § 191-23(b)(4)(ii), reporting is required for the provisions in subdivision (a)(10) of that section, concerning “exceedance of the maximum allowable operating pressure that exceeds the margin (build-up) allowed for operation of pressure-limiting or control devices” for transmission pipelines. The amendment to 191.23(b)(4)(ii) repeals this reporting requirement. Why is the reporting requirement for this provision being repealed, given that it still exists in the federal regulation?

**Response:** PSO initially recommended striking the reference in (b)(4)(ii) which states, “Any condition under paragraph (a)(9). The AR Code currently does not have a § 191.23(a)(9). This section then was revised by PHMSA every year from 2020 – 2022. During those revisions, the federal reference was updated to what is currently (a)(8) of the AR Code (revised in the redline version to (a)(10) which is substantively and numerically consistent with the federal code).

PSO considered striking (a)(10) and (b)(4)(ii) as a result because the PSO does not have jurisdiction over interstate transmission lines. The PSO does have jurisdiction over interstate transmission lines during repair or construction at river or riparian crossings and intrastate transmission lines. Because the language of (a)(10) does not distinguish “transmission lines” to this level, the decision was made to leave the section as is.

Subsection 191.23(b)(4)(ii) will be inserted prior to the final rulemaking and will read “Any condition under paragraph (a)(10) of this section.”

**(6)** Regarding 192.3, in the definition of “transmission line”, does the conjunction “or” need to be moved between (3) and (4) to match the federal regulation?

**Response:** Yes. Thank you. This will be done prior to the final rulemaking.

**(7)** Regarding 192.3, in the definition of “wrinkle bend”, subdivision (2)(ii)(B) in your rule differs from the definition of “wrinkle bend” of the corresponding federal regulation, 49 CFR § 192.3(2)(ii)(B). It looks like the new language from a different section, § 192.319(f), was duplicated in the definition of “wrinkle bend” in 192.3(2)(ii)(B) of your rule. Was this duplication intentional? If so, why was it included if it’s absent from the federal regulation?

**Response:** The additional language you refer to should not have been included. It will be removed prior to final rulemaking.

**(8)** Regarding 192.7(b), the corresponding federal regulation includes a provision at 49 CFR § 192.7(b)(12) that does not occur in 192-7(b) of your rule. However, that provision in the federal regulation does appear in your rule as 192.7(c)(11). Why did the commission relocate this provision from subsection (b) to subsection (c) when adding it to your rule?

**Response:** PSO’s changes were correct as of December 31, 2024. PHMSA may have changed the location in the interval. If so, the change will be reflected in the next rulemaking.

**(9)** Regarding 192.9(f)(3)(i), the corresponding federal regulation for 49 CFR § 192.9(f)(3)(i) begins with the word “Any building”, while your rule begins with the word, “An building”. Is this a typo?

**Response:** Yes. Thank you for catching this typo. It will be fixed prior to the final rulemaking.

(10) Regarding 192.147(a), in your amended rule, the following phrase is set out as a sentence fragment at the end of subsection (a), resulting in a two-sentence subsection: “ANSI/MSS SP-44 (incorporated by reference, see § 192.7), or the equivalent.” However, the corresponding federal regulation, 49 CFR § 192.47(a), inserts that phrase into the single sentence of subsection (a). Is this deviation from the federal regulation intentional? If so, why?

**Response:** These changes were made pursuant to 89 FR 33289 of April 29, 2024. The phrase “or the equivalent.” which appears immediately prior to the added language should have been struck. This will be corrected prior to the final rulemaking.

(11) Regarding 192.150(b)(6) and (8), are the retention of the conjunction “and” between (6) and (7), and the addition of “; and” after the last list item (8) typos? The corresponding federal regulation, 49 CFR § 192.150(b) only has a conjunction between the next to last and last list item and has a period after the last list item.

**Response:** In the current version of the CFRs § 192.150(b)(7) was struck in the Arkansas Pipeline Code because it pertained to offshore transmission lines which the PSO does not regulate. Because of this, the redline version of § 192.150(b)(7) should be renumbered as § 192.150(b)(8). In other words, the added language “Gathering lines; and” should be § 192.150(b)(7). The conjunction “and” at the end of 192.150(b)(6) will be struck. These changes will be made prior to the final rulemaking.

(12) Regarding 192.319(f), why did the commission strike language in subsection (f) that matches the corresponding federal regulation, 49 CFR § 319(f), and replace it with a duplicate of the language in subsection (e)?

**Response:** On August 24, 2022, pursuant to FR Vol. 87, No. 163 (87 FR 52268), new sections (d) – (g) were added to § 192.319 by PHMSA. The federal version of the rule includes a different subsection (c) which relates to offshore facilities. The PSO does not regulate offshore facilities, so subsection (c) was not included in the AR Code. As such, the additions were renumbered, and the new subsection (d) became (c) in the Arkansas Code. Subsection (f) in the redline version would be subsection (g) of the changes. PSO inadvertently duplicated (e) and (f). Subsection (f) should read: “An operator of an onshore steel transmission pipeline must make and retain for the life of the pipeline records documenting the coating assessment findings and remedial actions performed under paragraphs (c) – (e) of this section.”

In addition, the reference in subsection (d) to “under paragraph (d)” should be “under paragraph (c).”

These changes will be made prior to the final rulemaking.

(13) Regarding 192.452(d), your new subsection (d) provides, “An gathering line”, while the corresponding federal regulation, 49 CFR § 192.452(d), provides, “Any gathering line”. Is your use of “An” a typo?

**Response:** Yes. This correction will be made prior to the final rulemaking.

(14) Regarding 192.615(a), second (10) and (11), your rule contains a list of (a)(1) – (12), and then it has a second (10) and (11) at the end. Those two provisions labeled (10) and (11) appear in the corresponding federal regulation, 49 CFR § 192.615, as (b)(2) and (3). Can you explain?

**Response:** Sections (10) and (11) are Arkansas-specific and have been previously approved by the Commission. The two sections are different from (b)(2) and (3). Sections (10) and (11) will be renumbered to (13) and (14) respectively, prior to final rulemaking.

(15) Regarding 192.615(b), though subsection (b) is presented as existing language and is not being amended, it differs substantially from the corresponding federal regulation, 49 CFR § 192.615(b). Is this intentional? If so, why?

**Response:** Thank you for pointing this out. See Response to Question #16.

(16) Regarding 192.615(c), the introductory language of your amended subsection (c) contains the same language as the corresponding federal regulation, 49 CFR § 192.615(c), but your amendment omits the list items (1) – (4). Is this intentional? If so, why?

**Response:** The list (1)-(4) from 615(c) was, at some point, inadvertently included in AR Code § 192.615(b). The list should follow subsection (c). Staff will revise these two sections to move the list in (b) to follow (c) and revise (b) to be consistent with the federal version of (b) prior to final rulemaking. The sections will read as follows:

(b) Each operator shall:

(1) Furnish its supervisors who are responsible for emergency action a copy of that portion of the latest edition of the emergency procedures established under paragraph (a) of this section as necessary for compliance with those procedures.

(2) Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.

(3) Review employee activities to determine whether the procedures were effectively followed in each emergency.

~~(b) Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to:~~

~~(1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;~~

~~(2)(1) Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;~~

~~(3)(1) Identify the types of gas pipeline emergencies of which the operator notifies the officials; and~~

~~(4)(1) Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.~~

~~(c) Each operator shall maintain a current map of the entire gas system or sectional maps of large systems. These maps will be of sufficient detail to approximate the location of mains and transmission lines. Each operator must establish and maintain liaison with the appropriate public safety answering point (i.e., 9-1-1 emergency call center) where direct access to a 9-1-1 emergency call center is available from the location of the pipeline, as well as fire, police, and other public officials, to:~~

(1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;

(2) Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;

(3) Identify the types of gas pipeline emergencies of which the operator notifies the officials; and

(4) Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.

**(17)** Regarding 192.615(d), though subsection (d) is presented as existing language and is not being amended, this language does not appear in the corresponding federal regulation, 49 CFR § 192.615(d). Why is it included in your rule?

**Response:** Subsection (d) is mislabeled in the current version of the AR Code as (e). The numbering was corrected in the redline but is not shown. Subsection (d) related to key valves for safe system operation for isolation of distribution systems or transmission lines is Arkansas specific, is more stringent than the federal rules, has been previously approved by the Commission, and will not be revised at this time.

**(18)** Regarding 192.617(c) and (d), both subsections (c) and (d) of your rule contain the phrase, "or a Type A gathering pipeline", while that phrase is absent in the corresponding federal regulation, 49 CFR § 192.617. Why is that?

**Response:** Thank you for pointing this out. The changes made to § 192.617(c) and (d) were made pursuant to 87 FR 20983 enacted on April 8, 2022. The phrase "or a Type A gathering pipeline" was included in the 2022 federal changes which PSO incorporated. In response to a Petition for Reconsideration, on June 28, 2024, PHMSA issued additional corrections (89 FR 53877) codifying a decision of the U.S. Court of

Appeals for the District of Columbia Circuit (D.C. Circuit). See *GPA Midstream Ass’n v. U.S. Dep’t of Transportation*, 67 F.4th 1188 (D.C. Cir. 2023). The D.C. Circuit, among other things, vacated the Valve Rule’s regulatory amendments as they applied to gathering lines. PHMSA removed references to Type A gathering lines in § 192.617(b) through (d).

PSO will remove the references prior to the final rulemaking. The corrected version of the rule published on June 28, 2024 (89 FR 53877) includes subsection (c).

**(19)** Regarding 192.634(c), why did the commission include subsection (c) in its rule? In the corresponding federal regulation, 49 CFR § 192.634, subsection (c) was removed by 88 FR 50056 (August 1, 2023).

**Response:** Subsection (c) was added to § 192.634 as part of the changes in 87 FR 20940 effective 10-5-2022. 88 FR 50061 effective 8-1-2023 does not remove subsection (c). However, you are correct that 88 FR 50056 effective 8-1-2023 removed subsection (c) along with changes to subsection (b)(3). I verified that the changes to subsection (b)(3) were made. The removal of subsection (c) was an oversight. The subsection will be struck prior to final rulemaking.

**(20)** Regarding 192.917(b), it looks like a sentence in subsection (b) of the corresponding federal regulation, 49 CFR § 192.17(b), has been omitted from your rule. That sentence reads, “Operators must begin to integrate all pertinent data elements specified in this section starting on May 24, 2023, with all available attributes integrated by February 26, 2024.” Why did you omit this sentence?

**Response:** As explained in the Petition for rulemaking, the Code was last updated in 2022. The sentence you referred to included deadlines which expired in 2023 and 2024 and were no longer applicable and were therefore struck. In reviewing the section in preparing the response to your question, PSO noted the following sentences “An operator may request an extension of up to 1 year by submitting a notification to PHMSA at least 90 days before February 26, 2024, in accordance with § 192.18. The notification must include a reasonable and technically justified basis, an up-to-date plan for completing all actions required by this paragraph (b), the reason for the requested extension, current safety or mitigation status of the pipeline segment, the proposed completion date, and any needed temporary safety measures to mitigate the impact on safety.” These sentences include deadlines which have already passed and should have been struck. These sentences will be struck prior to the final rulemaking.

**(21)** Regarding 192.935(a)(1), your rule retains a sentence that was struck by 87 FR 52279 in the corresponding federal regulation, 49 CFR 192.935(a)(1). It is the second sentence of (a)(1) in your rule, and it reads, “An operator must base the additional measures on the threats the operator has identified to each pipeline segment. (See § 192.917.)” Why did you

retain this sentence when it was struck from the corresponding federal regulation?

**Response:** The rest of the changes required by 87 FR 52279 were made. Not striking the second sentence was inadvertent. It will be struck prior to the final rulemaking.

**(22)** Regarding 192.939(b)(1), it looks like the letter “t” was inadvertently left off of the word “direct” in this subdivision. Was this a typo?

**Response:** Yes. This typo will be corrected prior to the final rulemaking.

**(23)** Regarding 192.939(b)(6), the heading for the third column in the table is missing text when compared to the table in the corresponding federal regulation, 49 CFR § 192.939(b)(6). Was this intentional? If so, why?

**Response:** I’ve reviewed Revised Exhibit B to the Petition for Rulemaking, and the Maximum Reassessment Interval Table in § 192.939(b)(6) appears to be identical to the federal version.

**Follow up question:** I still see text missing from the third column in the table when compared with the corresponding federal regulation, 49 CFR § 192.939(b)(6). It looks like the cell just didn’t expand in the PDF of “Exhibit B – Pipeline Code – REDLINE REVISED”. Your heading reads, “Pipeline operating at or above 30% SMYS, up to”. The corresponding provision in the federal regulation reads, “Pipeline operating at or above 30% SMYS, up to 50% SMYS”.

**Response to follow up:** I see your point. I expanded the cell, and it showed up. I will ask the Judge in Wednesday’s hearing to make that correction when approving the Code. [The commission made this correction.]

**(24)** Regarding 192.941(b)(1), in the first sentence of subdivision (b)(1) of your rule, the phrase, “indirect examination” appears, while the phrase used in corresponding federal regulation, 49 CFR § 192.941(b) reads, “indirect assessment on the covered segment”. Is this deviation from the federal regulation intentional? If so, why?

**Response:** This was an oversight. Prior to the final rulemaking, the word “examination” will be struck and replaced with “assessment on the covered segment” which will make § 192.941(b)(1) consistent with the federal version.

**(25)** Regarding Table E.II.1, Appendix E to Part 192, although your amendment to this table is consistent with the proposed rulemaking of the Pipeline and Hazardous Materials Safety Administration in FR Vol. 81, No. 68, April 8, 2016 (81 FR 20722 (April 8, 2016)), it doesn’t look like that revision made it into the final regulation that is codified as Table E.II.1, Appendix E, of 49 CFR pt. 192. Can you clarify?



**Response:** As you stated the additions to Table E.II.1 in Appendix E to Part were proposed in FR Vol. 81, No. 61 issued on April 8, 2016, as part of PHMSA Docket No. PHMSA-2011-0023. While the public comment period has closed, the docket is still pending and no final rulemaking has been issued. It would be premature to include the pending language in this rulemaking. The pending language will be removed prior to final rulemaking.

**(26)** Regarding Table E.II.2, Appendix E to Part 192, there is a cell in the first column, “At or above 50% SMYS”, second row, “Pressure Testing”, that says “Pressure Test”, while the same cell in the corresponding federal regulation, Table E.II.2, Appendix E, 49 CFR pt. 192, says, “Pressure Test or ILI or DA”. Is this an intentional deviation from the federal regulation? If so, why?

**Response:** “Pressure Test or ILI or DA” was included. However, the line did not auto-expand so that all the text showed. The cell will be expanded prior final rulemaking so that all the text shows.

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

**FINANCIAL IMPACT:** The commission indicated this rule amendment has no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas Natural Gas Pipeline Safety Act of 1971, § 23-15-201 et seq., provides that the purpose of the Act is “to empower the Arkansas Public Service Commission to submit a satisfactory certification pursuant to Section 5 of the Natural Gas Pipeline Safety Act of 1968, Pub. L. No. 90-481, and to otherwise protect the public peace, health, and safety of the citizens of this state.” Arkansas Code § 23-15-205(a) provides the “Arkansas Public Service Commission by order may promulgate, amend, enforce, waive, and repeal minimum safety standards for the transportation of gas and pipeline facilities.” Arkansas Code § 23-15-205(d) provides that “[s]afety regulations promulgated for gas pipeline facilities or the transportation of gas shall be consistent with federal law and with rules and regulations promulgated under authority of the Natural Gas Pipeline Safety Act of 1968, Pub. L. No. 90-481, as amended.” Arkansas Code § 23-15-211 provides that a violation of Arkansas Code § 23-15-209 or these rules “is subject to a civil penalty not to exceed [t]wo hundred thousand dollars (\$200,000) for each day that the violation persists and [t]wo million dollars (\$2,000,000) for any related series of violations.”

**2. Department of Corrections, Post-Prison Transfer Board (Kevin Smith, Lona McCastlain)**

- a. Transfer to Parole or Post-Release Supervision, 16 CAR pt. 23

**DESCRIPTION:** The Transfer to Parole or Post-Release Supervision rule, 16 CAR pt. 23, has been created to replace outdated policies and

procedures in 16 CAR pt. 20. Additionally, this overhaul implements the substantive changes in statute as required by Act 2023, No. 659; and Acts 2025, No. 670, No. 723, and No. 1001.

Key substantive changes include:

- Implementation of court-imposed post-release supervision;
- Inclusion of transfer procedures for felonies ineligible to receive earned release credits and restricted release felonies;
- Implementation of mandatory hearing offenses as they relate to transfer to post-release supervision;
- Procedures for discharge for early release for offenders who committed crimes as a minor; and
- Defining the research-based criteria the board uses to make transfer decisions.

The following technical revisions were made to the rule after initial submission to BLR:

- Reference to code sections of definitions in Arkansas Code §§ 16-93-101 and 5-4-101 have been corrected to reflect renumbering changes implemented in new 2025 legislation;
- 16 CAR § 23-101(3) has been corrected to reflect the referenced definition in Arkansas Code § 12-29-902(1);
- In 16 CAR § 23-101(7) the reference to Arkansas Code § 16-93-101(16) was incorrectly referenced and have been omitted;
- 16 CAR § 23-303(a)(6)(A), 16 CAR § 23-305(a)(2), and 16 CAR § 23-305(a)(8) reference the incorrect code section, Arkansas Code § 16-93-615(b)(2)(B)(i), and has been corrected to reference Arkansas Code § 16-93-615(b)(6)(B)(ii);
- 16 CAR § 23-306(e)(2) incorrectly referenced 16 CAR § 23-303 and has been corrected to reference 16 CAR § 23-302;
- 16 CAR § 23-306(e)(6) incorrectly referenced 16 CAR § 23-101(7) and has been corrected to reference 16 CAR § 23-101(8);
- 16 CAR § 23-308(b) incorrectly referenced Arkansas Code § 16-93-701(b)(1) and has been omitted;
- 16 CAR § 23-309 incorrectly referenced 16 CAR § 23-307 and has been corrected to 16 CAR § 23-308;
- 16 CAR § 23-309 incorrectly referenced Arkansas Code § 16-93-201(b)(1) and this has been corrected to 16-93-201(d)(2);
- 16 CAR § 23-311(1) incorrectly referenced 16 CAR § 23-307 and has been corrected to 16 CAR § 23-308; and

- 16 CAR § 23-313(e) incorrectly referenced Arkansas Code §§ 12-27-127(d) and 16-93-211(a) and these references have been omitted.

**PUBLIC COMMENT:** A public hearing was not held for this matter. The public comment period expired November 10, 2025. The agency has indicated that it received no public comments.

Grant Wise, an attorney with the Bureau of Legislative Research, asked the following questions and received the following responses:

- 1) 16 CAR § 23-404(a): This subsection concerns community correction reentry programs and appears to be premised on Arkansas Code § 12-27-127. That statute specifies that reentry programs under the statute must be at least six (6) months in length. Similar language is absent in this rule. Is there a reason for this? **RESPONSE:** This language was intentionally omitted since this program is not administered by the Post-Prison Transfer Board.
- 2) 16 CAR § 23-502(c): This subsection seems premised on Arkansas Code § 16-93-1908(i), which includes the language “shall return to incarceration for the entire remaining period of imprisonment or post-release supervision.” The rule states “shall return to incarceration for the entire remaining period of imprisonment and any court-imposed post-release supervision” Is there a reason the rule uses the conjunction “and” rather than “or” as in the statute? **RESPONSE:** For those offenders who are convicted of a restricted release felony, they are potentially subject to a period of both board-decided post-release supervision and court-imposed post-release supervision. After review with the Department of Corrections Legal team, it is our understanding that, functionally, Arkansas Code § 16-93-1908(i), can only be interpreted as a permanent revocation for any combined periods of board-decided post-release supervision and court-imposed post-release supervision indicated on a sentencing order. If an offender has a period of unserved court-imposed post-release supervision or a period of unserved incarceration due to revocation from a board-decided post-release supervision period, both periods will need to be served as an incarcerated offender and completed if an offender is revoked, whether the revocation occurred during an initial period of board-decided post-release supervision or whether the revocation occurred during a subsequent, related period of court-imposed post-release supervision. If this is not interpreted as revocation applying to both related post-release periods, the board could potentially revoke the board-decided post-release supervision of an offender a week prior to the start date of a related, subsequent period of court-imposed post-release supervision sentence, after which the offender would be released to court-imposed PRS without the discretion of the board and making the prior related revocation invalid.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The Post-Prison Transfer Board states that the proposed rule has no financial impact.

**LEGAL AUTHORIZATION:** The Post-Prison Transfer Board may adopt rules to implement, administer, and enforce Title 16, Chapter 93, Subchapters 6 and 7 of the Arkansas Code regarding eligibility for post-release supervision and parole. *See* Arkansas Code §§ 16-93-619, 16-93-713. Additionally, the Post-Prison Transfer Board shall adopt rules to implement Title 16, Chapter 93, Subchapter 18, regarding release eligibility and procedures for offenses committed on or after January 1, 2025, and to implement Title 16, Chapter 93, Subchapter 19, which concerns post-release supervision for persons committing offenses on or after January 1, 2025. *See* Arkansas Code §§ 16-93-1812, 16-93-1911.

According to Arkansas Code § 16-93-1811, the Post-Prison Transfer Board shall establish a set of conditions applicable to all inmates transferred to post-release supervision. Further, the Post-Prison Transfer Board shall establish written policies and procedures governing the supervision of parolees designed to enhance public safety and to assist the parolees in reintegrating into society. *See* Arkansas Code § 16-93-712(a)(1).

The rule implements the following acts:

- Act 659 of 2023, sponsored by Senator Ben Gilmore, which amended Arkansas law concerning sentencing and parole, certain criminal offenses, and the Parole Board, and created the Legislative Recidivism Reduction Task Force;
- Act 670 of 2025, sponsored by Senator Clarke Tucker, which amended Arkansas law concerning the suspended imposition of a sentence, probation, parole, and post-release supervision, among other purposes;
- Act 723 of 2025, sponsored by Senator Ben Gilmore, which updated and clarified certain portions of the law regarding the Division of Community Correction and the Division of Correction and clarified references to community correction centers; and
- Act 1001 of 2025, sponsored by Senator Greg Leding, which amended Arkansas law concerning the release from parole or post-release supervision of certain persons who committed crimes when they were under the age of eighteen.

b. REPEAL Policy Manual, 16 CAR pt. 20

**DESCRIPTION:** The existing administrative rule, titled Policy Manual, codified as 16 CAR pt. 20, served as the omnibus administrative rule for multiple functions of the Post-Prison Transfer Board. It is being repealed and replaced by the proposed rule, Transfer to Parole and Post-Release

Supervision to be codified as 16 CAR pt. 23. Sections of 16 CAR pt. 20 have already been repealed and replaced over the past months by the Executive Clemency rule, 16 CAR pt. 21; Revocation of Parole and Post-Release Supervision rule, 16 CAR pt. 22; and the proposed rule, Transfer to Parole or Post-Release Supervision, 16 CAR pt. 23. The final repeal of 16 CAR pt. 20 accomplishes several additional needed updates, including the repeal of sections that:

- Do not meet the definition of an administrative rule defined in Arkansas Code § 25-15-202;
- Are being replaced due to outdated policies and procedures;
- Deal with sections of Arkansas Code that have been repealed and are no longer in effect;
- Will be replaced by the new rule, 16 CAR pt. 23.

**PUBLIC COMMENT:** A public hearing was not held for this matter. The public comment period expired on November 10, 2025. The agency indicated it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The Post-Prison Transfer Board indicated this rule has no financial impact.

**LEGAL AUTHORIZATION:** The Post-Prison Transfer Board may adopt rules to implement, administer, and enforce Title 16, Chapter 93, Subchapters 6 and 7 of the Arkansas Code regarding eligibility for post-release supervision and parole. *See* Arkansas Code §§ 16-93-619, 16-93-713. Additionally, the Post-Prison Transfer Board shall adopt rules to implement Title 16, Chapter 93, Subchapter 18, regarding release eligibility and procedures for offenses committed on or after January 1, 2025, and to implement Title 16, Chapter 93, Subchapter 19, which concerns post-release supervision for persons committing offenses on or after January 1, 2025. *See* Arkansas Code §§ 16-93-1812, 16-93-1911.

According to Arkansas Code § 16-93-1811, the Post-Prison Transfer Board shall establish a set of conditions applicable to all inmates transferred to post-release supervision. Further, the Post-Prison Transfer Board shall establish written policies and procedures governing the supervision of parolees designed to enhance public safety and to assist the parolees in reintegrating into society. *See* Arkansas Code § 16-93-712(a)(1).

The repeal of the rule is the result of the following acts:

- Act 659 of 2023, sponsored by Senator Ben Gilmore, which amended Arkansas law concerning sentencing and parole, certain criminal offenses, and the Parole Board, and created the Legislative Recidivism Reduction Task Force;

- Act 670 of 2025, sponsored by Senator Clarke Tucker, which amended Arkansas law concerning the suspended imposition of a sentence, probation, parole, and post-release supervision, among other purposes;
- Act 723 of 2025, sponsored by Senator Ben Gilmore, which updated and clarified certain portions of the law regarding the Division of Community Correction and the Division of Correction and clarified references to community correction centers; and
- Act 1001 of 2025, sponsored by Senator Greg Leding, which amended Arkansas law concerning the release from parole or post-release supervision of certain persons who committed crimes when they were under the age of eighteen.

**3. Department of Energy and Environment, Oil and Gas Commission (Alan York, Amanda Land)**

- a. Transportation, 15 CAR § 275-501 et seq.

**DESCRIPTION:**

**PURPOSE AND AUTHORITY**

The Department of Energy and Environment, Oil and Gas Commission (“OGC” or “Commission”) proposes this rulemaking regarding the promulgation of rule 15 CAR § 275-504, “Gathering and transportation of hazardous liquids by pipeline—permitting and operational requirements.” The Oil and Gas Commission has general rulemaking authority pursuant to Ark. Code Ann. § 15-71-110(d), and specific rulemaking authority pursuant to Act 150 of 2025.

**BACKGROUND**

In the 2025 legislative session, the OGC was vested with authority to apply for necessary approval to establish and implement a Class VI Underground Injection Control program in accordance with the Safe Drinking Water Act, 42 U.S.C. § 300f et seq. As part of this process, the Commission must receive delegated authority from the Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) to assume authority over national safety standards and reporting requirements for hazardous liquid pipelines. To receive this delegated authority, the Commission must promulgate rules to regulate hazardous liquid pipelines and establish permitting and operation requirements for these pipelines. These necessary rules are included in 15 CAR § 275-504.

**THE PROPOSED RULE AMENDMENTS**

The Commission proposes the promulgation of 15 CAR § 275-504 to create necessary standards for the permitting and regulation of hazardous liquid pipelines. The rules include general requirements that apply to pipelines used to transport intrastate hazardous liquid within the

jurisdiction of the Commission as defined in Ark. Code Ann. § 15-71-110. These requirements include permit application procedures, construction requirements, notification standards, requirements for warnings and emergency plans, and enforcement provisions. The proposed rule will allow the State of Arkansas to regulate intrastate hazardous liquid pipelines through application of state rules and federal regulations.

#### **NECESSITY AND PRACTICAL IMPACT OF RULE AMENDMENTS**

The promulgation of 15 CAR § 275-504 will allow the Commission to apply for and obtain delegated authority from PHMSA to permit and regulate intrastate hazardous liquid pipelines under 49 C.F.R. pt. 195. Obtaining this authority will allow the State of Arkansas to regulate intrastate pipelines that transport crude oil and refined oil products such as heating oil, gasoline, diesel and jet fuel. This delegated authority is also necessary to regulate the transportation of carbon dioxide should the state seek approval to establish and regulate Class VI injection wells under the Safe Drinking Water Act. This PHMSA delegation will allow the State of Arkansas to benefit economically from these facilities, and to ensure that they are monitored and regulated by the state rather than the federal government.

**PUBLIC COMMENT:** The commission held a public hearing on September 23, 2025. The public comment period expired on September 29, 2025. The commission received no public comments.

Isaac Linam, an attorney with the Bureau of Legislative Research, asked the following questions and received the following responses:

**1.** What is the commission’s statutory authority, required by Arkansas Code § 25-15-105, for the new fees set out in 15 CAR § 275-504(c)(1)(B)(iv)(b), (c), and (d), respectively? **RESPONSE:** Regarding this question, the Oil and Gas Commission will remove 15 CAR § 275-504(c)(1)(B)(iv)(a), (b), (c), and (d).

**2.** On Question 5 of the Financial Impact Statement, you say that the “total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule” is \$2,000 for the current fiscal year and \$2,000 for the next fiscal year. Question 5 goes on to state, “Please identify those subject to the rule, and explain how they are affected”, but the commission did not provide a response and left the text box blank where that identification and explanation should be answered. Can you answer that for me?

**RESPONSE:** This referenced financial impact was the result of the fee proposed through 15 CAR § 275-504(c)(1)(B)(iv)(a), (b), (c), and (d). Because this part of the rule is being removed from the text, there is no longer a financial impact to any private individual, private entity, or private business subject to this rule.

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

**FINANCIAL IMPACT:** The commission indicated this rule has a financial impact of \$5,650 for the current fiscal year and \$5,650 for the next fiscal year.

**LEGAL AUTHORIZATION:** Arkansas Code § 15-71-110(a)(1) provides that the Oil and Gas Commission shall have jurisdiction of and authority over all persons and property necessary to administer and enforce effectively the provisions of this act and all other statutory authority of the commission relating to the exploration, production, and conservation of oil and gas. Arkansas Code § 15-71-110(d) provides that the Oil and Gas Commission “may make such reasonable rules and orders as are necessary from time to time in the proper administration and enforcement of” Arkansas law concerning oil and gas. Arkansas Code § 15-71-110(d)(20) provides that the commission “[p]romulgate rules required by the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration to assume authority over national safety standards and reporting requirements” concerning “pipeline facilities used in the transportation of hazardous liquids or carbon dioxide”.

The proposed changes implement requirements in Acts 2025, No. 150, sponsored by Representative Matthew Shepherd. Act 150 concerned the clarification of pipeline safety authorization for transportation of hazardous liquids or carbon dioxide.

**4. Department of Finance and Administration (Doris Smith, Jim Phillips, Paul Gehring)**

- a. Method of Administering the Pregnancy Help Organizations Grant Program, 20 CAR pt. 790

**DESCRIPTION:** To provide additional funding and extend the time to provide sub-grants to organizations that provide services to pregnant women with the purpose of encouraging them to give birth to their unborn.

**PUBLIC COMMENT:** A public hearing was held on November 13, 2025, and public comment expired the same day. The agency provided the following summary of the public comments received and its responses thereto:

**1) Joanne Carter, ChangePoint**

**Comment:** The grant has been a very good thing for pregnancy centers because our focus is to help to save lives and to help lives. Being able to have access to extra funding has been a very beneficial thing. We at ChangePoint focus on whatever it takes to get that girl in our door that we can assist her into making a decision that she would save the innocent but also to help her as a mother. It’s about the mother and the family starting. We have a couple of programs that we’re trying to start right now that can



reach out even further in that family in order to make sure that this child is safe. I feel like the grant is a very important thing. **Response:** Comment considered. No changes made to proposed amendments to rules.

## **2) Robin Caldwell, HopePlace Newport – HopePlace Berryville**

**Comment:** My comment is also a question. What are the changes to the rule and for what purpose? **Response:** The proposed amendment to the definition of “pregnancy help organization” under 26 CAR § 790-101(3)(A) provide that an organization may not affiliate with any organization that performs, prescribes, provides referrals for, or encourages abortion to reflect amendments to this definition under 2025 Acts, No. 1006 § 38. Also, 20 CAR § 790-102 is being amended to provide that the program will be in effect for the 2026 fiscal year and any subsequent fiscal year that the General Assembly extends the program. No changes made to proposed amendments to rules.

## **3) Sarah Teed, PRCSA of Arkadelphia**

**Comment:** It appears to me that this is a technical amendment that merely prevents the legislature from having to come back and reapprove the grant program and that they can continue to extend it beyond 2026.

**Response:** Section 38 of Act 1006 authorized the program for the 2026 fiscal year. The proposed amendments to 20 CAR § 790-102 provide that the program would continue if extended by the General Assembly. Also, the proposed amendment to 20 CAR § 790-101 reflect the updated definition of “pregnancy help organization”. No changes made to proposed amendments to rules.

## **4) Deborah Coots, Options Pregnancy Resource Center**

**Comment:** I have a question in 20 CAR § 790-101 concerning pregnancy health organizations. Mainly twice as many pregnancy organizations are listed in the rule. Was any of this added – maternity homes, adoption agencies, and social services? Was that in the original legislation or had those been added? **Response:** Maternity homes, adoption agencies, and social services were included the definition of “pregnancy help organization” in the original legislation, i.e., Acts 2024, No. 124, and existing IGS rulemaking. No changes made to proposed amendments to rules.

## **5) Charisse Camp, Family Council and ARFuture Foundation**

**Comment:** Is the program effective from July 1, 2025, to June 30, 2026?

**Response:** Yes. 20 CAR § 790-102 is being amended to provide that the program will be in effect for the 2026 fiscal year and any subsequent fiscal year that the General Assembly extends the program. No changes made to proposed amendments to rules.

The proposed effective date is pending legislative review and approval.

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

**LEGAL AUTHORIZATION:** This rule implements Acts 2025, No. 1006, sponsored by the Joint Budget Committee. Special language contained in Section 38 of the act states that the Department of Finance and Administration “shall create a grant program to provide funding to pregnancy help organizations”. *See* Acts 2025, No. 1006, § 38(b)(1). The Department is also required to promulgate rules to implement the disbursement of grant moneys from the Pregnancy Help Organization Grant Sub-Fund in the Miscellaneous Agencies Fund Account. *See* Acts 2025, No. 1006, § 38(c)(1). The rules shall include a requirement that the entity requesting the grant monies submit a plan describing how the entity will spend the grant moneys, and a statement that the funds shall not be disbursed all at once, but in increments in accordance with the plan. *See* Acts 2025, No. 1006, § 38(c)(2).

**5. Secretary of State (Tanner Thomas, Nathan Lee)**

- a. The Combating Hostile Foreign Influence Rule, 21 CAR pt. 21

**DESCRIPTION:** The rule implements complaint, response, and registration forms pursuant to Act 998 of the 2025 Regular Session of the Arkansas General Assembly, while also providing practicable methods of investigating complaints, enforcement, and holding hearings on individuals and organizations engaging in political activities on behalf of hostile foreign nations.

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired November 15, 2025. The office received no public comments.

Isaac Linam, an attorney with the Bureau of Legislative Research, asked the following questions and received the following responses:

**(1)** Regarding the definition of “foreign-supported political organization”, why did the Secretary of State deviate from the statutory definition of “foreign-supported political organization” found in Arkansas Code § 21-8-1102 rather than using the definition already set out in law? Examples include without limitation:

- The statutory definition refers to “a domestic partnership, association, corporation, organization, or other combination of persons”, while your definition omits the word “domestic”
- The statutory definition states, “a political party or a domestic partnership, association, corporation, organization, or any other combination of persons”, while the definition in your rule provides that “any combination of persons” includes a political party, partnership, association, corporation, [or] organization”

- The statutory definition provides, “received money or other things of value from a hostile foreign principal”, while the definition in your rules provides that to meet the definition the receipt of money or other things of value must be a “donation”, which is undefined in your rule

**RESPONSE:** We believe the phraseology chosen will be easier for the regulated entities to understand and apply while also not changing the meaning of the provisions in the statute. The use of the word “donate” provides clarity to the word “receive” as it is used in the statute.

**(2)** Regarding the definition of “foreign-supported political organization”, is there a conjunction missing between “corporation, organization”?

**RESPONSE:** We are more than willing to add the conjunction needed between corporation and organization to keep in line with BLR’s style guide.

**(3)** Regarding 21 CAR § 21-201(4), only the first two list items in (a)(4)(A) and (B) begin with “The representative’s”, while the others do not even though it reads as though all the list items pertain to things of the representative. Given that everything in the list is information pertaining to the representative, was it an oversight to include “The representative’s” in (A) and (B)? Or to omit it in (C) – (E)?

**RESPONSE:** We will likewise add “representative’s” to the rest of the list for stylistic purposes.

**(4)** Under 21 CAR § 21-303(a), your rules provides that a penalty may be assessed “for violations under these rules and Ark. Code Ann. § 21-8-1101 et seq.” Under 21 CAR § 21-303(c), your rule sets out the amounts of penalties and provides in the introductory language that those amounts are “[p]enalties for any violation of Ark. Code Ann. § 21-8-1101 et seq.”, omitting “these rules”. Subdivision (c)(1) provides that the penalty will be “[u]p to \$500 for any single violation”, while (c)(2) provides that the penalty for willful or repeated violations “of these rules or the authorizing Act” is [u]p to \$2,000”. In addition, Arkansas Code § 21-8-1101 et seq. does not appear to provide for penalties for violations of the rules, but rather allows penalties for violations of § 21-8-1101 et seq. Can you explain these discrepancies?

**RESPONSE:** We will also modify the rule and omit “under these rules” for stylistic consistency.

The proposed effective date is January 1, 2026.

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

**LEGAL AUTHORIZATION:** Arkansas Code § 21-8-1106 requires the Secretary of State to promulgate rules to implement Arkansas Code § 21-

8-1101 et seq., and to “[c]reate and maintain registration statement forms” described in that subchapter of the Arkansas Code.

This new rule implements Acts 2025, No. 998, § 4, sponsored by Representative Mindy McAlindon. Act 998, § 4, created Arkansas Code § 21-8-1101 et seq. and concerned the required disclosure by a representative of a hostile foreign principal.

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

**1. Department of Education, Division of Elementary and Secondary Education (Courtney Salas-Ford)**

**E. Agency Updates on the Status of Outstanding Rulemaking from the 2023 Regular Session Pursuant to Act 595 of 2021<sup>1</sup>**

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

*Rules Outstanding as of December 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 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**

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

***Secretary of Corrections (Wade Hodge)***

- Visitation (Act 659, § 112 of 2023)
  - This rule will be promulgated by the Secretary of Corrections. The rule has been reviewed and approved by the Secretary and the executive and will be set for public comment.

***Post-Prison Transfer Board (Kevin Smith, Lona McCastlain)***

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

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

It has been reviewed by the executive and has completed the public comment period. It is anticipated to be on the subcommittee's agenda for December 18, 2025.

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

*Rules Outstanding as of December 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 February.
- 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.<sup>2</sup>

***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 February.
- 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 February.

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<sup>2</sup> A written request as required by Arkansas Code § 25-15-216(c) is forthcoming from the agency and will be submitted at a later date.

### ***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 February.
- 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 February.

### ***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 February.

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

**G. Adjournment**