

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

August 15, 2025

Co-Chairs:

The Administrative Rules Subcommittee met on Thursday, August 14, 2025, at 10:00 a.m., in Room A, MAC.

- A. The Subcommittee adopted the attached Report on the Acts of the 2025 Regular Session Specifically Requiring New Rulemaking.**
- B. The Subcommittee filed one report from the Executive Subcommittee concerning its review and approval of an emergency rule.**
- C. The Subcommittee received and filed the Quarterly Reports on Administrative Directives pursuant to Act 1258 of 2015, for the quarter ending June 30, 2025, submitted by the following agencies:**
 - 1. Department of Corrections**
 - 2. Post-Prison Transfer Board**
- D. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**
 - 1. Arkansas Department of Transportation, State Highway Commission, State Aid Street Committee**
 - a. Rules of Procedure for the State Aid Street Committee, 27 CAR pt. 160
 - 2. Department of Commerce, Arkansas Economic Development Commission**
 - a. Community Assistance Grant Program, 15 CAR pt. 181
 - 3. Department of Education, Division of Elementary and Secondary Education**
 - a. First Connections Program Under Part C of the Individuals with Disabilities Education Act (IDEA), 20 CAR pt. 1002
 - b. Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program, 6 CAR pt. 64
 - c. Rules Governing Child Sexual Abuse and Human Trafficking Prevention,

6 CAR pt. 107

4. Department of the Military, Arkansas National Guard

a. Arkansas National Guard Tuition Waiver Program, 6 CAR pt. 530

E. Pursuant to Act 595 of 2021, the Subcommittee received agency updates on outstanding rulemaking relating to legislation from the 2023 Regular Session.

Respectfully submitted,

Senator Tyler Dees, Co-Chair

Representative Matthew J. Shepherd, Co-Chair

Administrative Rules Review Section, Bureau of Legislative Research

Report on the Acts of the 2025 Regular Session Specifically Requiring New Rulemaking

Pursuant to Act 595 of 2021



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INTRODUCTION

In accordance with Arkansas Code § 25-15-216(b)(3)(A), this Report on the Acts of the 2025 Regular Session Specifically Requiring New Rulemaking (“Report”) has been prepared, identifying rulemaking specifically required by newly enacted laws emanating from the Regular Session of 2025. There are two categories of such acts:

- 1. Those clearly specifying that rulemaking is required; and*
- 2. Those referencing rulemaking using language that could be considered discretionary, but also establishing a date certain for the rulemaking, which could be construed to specifically require rulemaking.*

The acts are further categorized by the agency or entity responsible for the rulemaking. Because an act may contain multiple provisions related to rulemaking or may require rulemaking by more than one agency or entity, acts appearing more than once in the Report are denoted by an asterisk “”. For each act, the lead sponsor of the legislation has been indicated, and any relevant notes specific to the act have been included.*

Where a newly enacted law results from a regular or fiscal session of the General Assembly and does not provide a specific date for the repeal, amendment, or adoption of the rule, the final version of the new, amended, or repealed rule shall be filed for adoption with the Secretary of State on or before June 1 of the following year. See Ark. Code Ann. § 25-15-216(b)(1). For any act that provided a specific date for the filing of final rules, that date is noted in the Report. The proposed citation to the Arkansas Code as set forth in each act is also provided; however, those citations are subject to change once all acts have been codified.

Arkansas Code § 25-15-216(b)(3)(B) provides that this Report shall only include rules “specifically required by a newly enacted law”. In recognition of that requirement, this Report generally includes new laws directly requiring that an agency or entity “shall promulgate” rules. The Bureau of Legislative Research (“Bureau”) recognizes that newly enacted laws outside of those in this Report will require rulemaking based upon the practical effects of the implementation of the newly enacted law. This Report makes no effort to interpret newly enacted laws in that manner as only the agency or entity at issue, rather than the Bureau, is in a position to make that determination. It is the Bureau’s expectation that those newly enacted laws otherwise requiring rulemaking would be identified by the agency in its written report required under Arkansas Code § 25-15-216(a) and its monthly written updates under Arkansas Code § 25-15-216(b)(4).

Section 25-15-216(a) provides that each agency shall review as soon as practicable after each regular session and fiscal session of the General Assembly any newly enacted laws to determine whether any existing rule should be repealed or amended or any new rule should be adopted. Following that review, the agency shall adopt a written report of the results of the review, which shall be maintained as a public record by the agency. See Ark. Code Ann. § 25-15-216(a).

In addition to the written report required by Arkansas Code § 25-15-216(a), the executive head of an agency or his or her designee shall provide monthly written updates on the agency's progress in promulgating a rule it determines is required pursuant to its review under § 25-15-216(a), including without limitation a rule identified in this Report, to the Legislative Council or its appropriate subcommittee until the final version of the new, amended, or repealed rule is filed for adoption with the Secretary of State on or before the required date. See Ark. Code Ann. § 25-15-216(b)(4). An agency shall promulgate a rule it determines is required pursuant to its review regardless of whether the rule is contained in this Report. See Ark. Code Ann. § 25-15-216(b)(3)(C). Accordingly, this Report should not be viewed as an exclusive statement of rulemaking required by an agency or entity following the 2025 Regular Session.

SECTION I: ACTS CLEARLY SPECIFYING RULEMAKING

CABINET-LEVEL DEPARTMENTS

DEPARTMENT OF AGRICULTURE

Arkansas Natural Resources Commission

Act 812: This Act regards the Arkansas Natural Resources Commission; establishes the Water and Sewer Treatment Facilities Grant Program; and creates the Water and Sewer Treatment Facilities Grant Program Fund. (Vaught, Rep.)

§ 2: The commission shall promulgate rules to implement the statute, which concerns the Water and Sewer Treatment Facilities Grant Program. [§ 25-43-203(e)]

Act 925: This Act amends the law concerning sewer collection and sewer treatment providers and related services. (Gonzales, Rep.) *Final rules shall be filed with the Secretary of State for adoption on or before January 1, 2026.*

§ 1: The commission shall determine by rule the requirements of the rate study, including without limitation a review of the provider's refurbishment and replacement account and asset management plan. [§ 14-239-103(d)(1)]

§ 1: The Arkansas Natural Resources Commission shall promulgate rules to implement Title 14, Chapter 239, Subchapter 1 of the Arkansas Code, concerning oversight of wastewater and sewer retail providers. [§ 14-239-107]

DEPARTMENT OF COMMERCE

Arkansas Economic Development Commission

Act 870: This Act creates the Arkansas Healthy Food Retail Act of 2025 and provides financial incentives for healthy food retailers in underserved communities. (McCullough, Rep.)

§ 1: The commission shall establish rules for implementing the Arkansas Healthy Food Retail Act of 2025. [§ 15-4-4004(j)(4)]

State Insurance Department

***Act 348:** This Act mandates coverage for acquired brain injury. (Bentley, Rep.)

§ 1: The Insurance Commissioner shall promulgate rules to create a process to permit an expedited appeal of an adverse determination by the healthcare insurer for medically necessary treatment covered under the statute, which concerns coverage for medically necessary treatment related to acquired brain injury. [§ 23-79-2902(d)]

Act 390: This Act mandates coverage for lung cancer screenings. (Allen, F., Rep.)

§ 1: The Insurance Commissioner shall promulgate rules to implement Title 23, Chapter 79, Subchapter 29 of the Arkansas Code, concerning coverage for lung cancer screenings. [§ 23-79-2904(a)]

***Act 424:** This Act mandates coverage for breast reconstruction surgeries; requires prior authorization for breast reconstruction surgeries; and establishes a minimum reimbursement rate for breast reconstruction surgeries. (Bryant, J., Sen.)

§ 1: The Insurance Commissioner shall develop and promulgate rules for the implementation and administration of Title 23, Chapter 79, Subchapter 29 of the Arkansas Code, concerning coverage for breast reconstruction surgery. [§ 23-79-2907(a)]

Act 427: This Act creates the Strengthen Arkansas Homes Act and creates the Strengthen Arkansas Homes Program Fund. (Boyd, J., Sen.)

§ 2: The Insurance Commissioner shall promulgate rules to implement and administer the Strengthen Arkansas Homes Program Act. The rules promulgated under subsection (a) of the statute shall include eligibility requirements necessary for the proper administration of the Act and eligibility requirements under any instructions or requirements on grants or funds received by the commissioner for the Strengthen Arkansas Homes Program. [§ 23-88-610]

Act 512: This Act amends the law concerning certain audits of healthcare providers and creates the Arkansas Medical Audit Bill of Rights Act. (Johnson, L., Rep.)

§ 1: The Insurance Commissioner shall promulgate rules to implement, administer, and enforce the Arkansas Medical Audit Bill of Rights Act. [§ 23-99-1903(f)]

***Act 560 and Act 779:** These Acts create a more sustainable system of property insurance for public schools, state-supported institutions of higher education, and state-owned property; create the Office of Property Risk within the Department of Shared Administrative Services; amend the Public Elementary and Secondary School Insurance Act; revise the Employee Benefits Division Oversight Subcommittee; amend the Arkansas Multi-Agency Insurance Trust Fund Act; combine public elementary and secondary schools with state-supported institutions of higher education and state-owned property under a single program to ensure proper valuation for property insurance purposes; create the State Captive Insurance Program Act; prohibit the use of public adjusting in property insurance claims; and allow for the creation of a captive insurance company by the State of Arkansas. (Wardlaw, Rep., and Gilmore, Sen.)

§ 4: It shall be the power and duty of the State Insurance Department to promulgate rules for the administration of the cybersecurity risks insurance program. [§ 6-20-1503(12)]

Act 628: This Act mandates coverage for severe obesity treatments. (Johnson, L., Rep.)

§ 2: The Insurance Commissioner, in accordance with evidence-based industry best practices, guidelines, and screening tools as recommended by the American Society for Metabolic and Bariatric Surgery or another nationally recognized body as may be designated by the commissioner, shall evaluate and promulgate rules for additional preoperative conditions that qualify as associated comorbidities and for coverage requirements. [§ 23-79-2905(a)]

Act 772: This Act creates the End Organ and Genomic Harvesting Act; prohibits coverage of certain human organ transplant or post-transplant care; and prohibits certain genetic sequences and genetic analysis technologies. (Penzo, C., Sen.)

§ 3: The commissioner shall develop and promulgate rules for the implementation and administration of the statute, which concerns the prohibition of insurance coverage of certain human organ transplant or post-transplant care. [§ 23-79-169(f)]

Act 773: This Act establishes the Pharmacy Services Administrative Organization Act and regulates pharmacy services administrative organizations. (Dismang, J., Sen.)

§ 1: The commissioner shall issue rules establishing the licensing, fees, application, financial standards, penalties, compliance and enforcement

requirements, and reporting requirements of a pharmacy services administrative organization under the Pharmacy Services Administrative Organization Act. [§ 23-99-1903(b)]

Act 860: This Act mandates coverage for genetic testing for an inherited gene mutation for certain individuals and mandates coverage for evidence-based cancer imaging for certain individuals. (Allen, F., Rep.)

§ 1: The Insurance Commissioner shall promulgate rules to implement and administer Title 23, Chapter 79, Subchapter 29 of the Arkansas Code, concerning coverage for genetic testing for inherited gene mutation and evidence-based cancer imaging. [§ 23-79-2903]

DEPARTMENT OF CORRECTIONS

Division of Correction

Act 654: This Act creates the Defense Against Criminal Illegals Act; establishes enhanced penalties for illegal aliens who commit serious felonies involving violence; ensures that sheriff's offices and the Division of Correction can participate in the Warrant Service Officer Program; and expands the state's current ban on sanctuary cities to include counties and unincorporated areas. (Hester, Sen.)

§ 3: The Division of Correction shall promulgate rules for the process of obtaining a waiver from the state under subdivision (d)(1) of the statute, which concerns the Division of Correction participation in the Warrant Service Officer Program. [§ 12-27-152(d)(2)]

§ 4: The Division of Correction shall promulgate rules for the process of obtaining a waiver from the state under subdivision (e)(1) of the statute, which concerns participation in the Warrant Service Officer Program by a county sheriff in charge of a county jail. [§ 12-41-512(e)(2)]

DEPARTMENT OF EDUCATION

Act 472: This Act creates the Robotics Competition Grant Program for eligible robotics teams in public or private schools for the purpose of encouraging study in the fields of science, technology, engineering, and mathematics. (Dismang, J., Sen.)

§ 1: The Department of Education shall promulgate rules for the administration of the Robotics Competition Grant Program established by Title 6, Chapter 16, Subchapter 20 of the Arkansas Code, concerning the Robotics Competition Grant Program, which shall include without limitation the process for applying for a grant under the subchapter. [§ 6-16-2005]

Act 502: This Act amends the Arkansas Adult Diploma Program Act. (Ray, Rep.)
Final rules shall be filed with the Secretary of State for adoption on or before January 1, 2026.

§ 8: The Department of Education, in consultation with the Office of Skills Development, shall promulgate rules to implement the Arkansas Adult Diploma Program Act. [§ 6-44-309]

Division of Elementary and Secondary Education

Act 122: This Act creates the Bell to Bell, No Cell Act and amends the requirements for public school discipline policies with regard to student use of personal electronic devices. (Dees, Sen.)

§ 3: The division shall promulgate rules defining what constitutes a special event that occurs during the school day. [§ 6-18-515(d)(2)]

Act 501: This Act amends the Arkansas Military Child School Transitions Act of 2021. (Brown, K., Rep.)

§ 10: The Division of Elementary and Secondary Education shall promulgate and incorporate Purple Star School Program rules into the rules the division promulgates under the Arkansas Military Child School Transitions Act of 2021. [§ 6-28-303(4)]

Act 613: This Act makes an appropriation for comprehensive Out-Of-School Time Program Grants for the Department of Education – Division of Elementary and Secondary Education for the fiscal year ending June 30, 2026. (Petty, J., Sen.)

§ 2: The Department of Education - Division of Elementary and Secondary Education shall promulgate rules for the determination of eligibility and administration of the Out-Of-School Time Program Grants. [Uncodified special language, § 2]

Act 920: This Act amends provisions of the Arkansas Code concerning the Arkansas Children’s Educational Freedom Account Program. (Davis, B., Sen.)

§ 4: The division shall promulgate rules for an applicant who meets criteria established by the division and who submits an application under the Arkansas Children’s Educational Freedom Account Program outside the time frame established by subdivision (k)(1)(A) of the statute, including without limitation an applicant who moves to this state from another state; or from an area of this state that does not have a participating school to an area of this state that does have a participating school. [§ 6-18-2505(k)(1)(B)]

Arkansas Higher Education Coordinating Board

***Act 340 and Act 341:** These Acts create the Arkansas Access Act and amend various provisions of the Arkansas Code as they relate to education in the State of Arkansas. (Dismang, J., Sen., and Shepherd, M., Rep.)

§ 46: In order to promote a coordinated system of two-year postsecondary education in Arkansas, to provide an effective delivery system for adult education programs, and to assure an orderly and effective development of a system of publicly and locally supported institutions, the Arkansas Higher Education Coordinating Board shall have the power and duty to promulgate rules to implement Title 6, Chapter 53 of the Arkansas Code, concerning the Two-Year Postsecondary Education Reorganization Act of 1991. [§ 6-53-203(a)(10)]

§ 51: In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the power and duty to promulgate rules to perform all duties and obligations to implement Title 6, Chapter 61, Subchapter 2 of the Arkansas Code, concerning the Arkansas Higher Education Coordinating Board. [§ 6-61-202(a)(9)]

§ 86: The Division of Higher Education shall collaborate with the Office of Skills Development to establish the criteria to be used to determine the eligibility of students under § 6-85-302(1)(C), which shall be included in rules promulgated by the Arkansas Higher Education Coordinating Board. [§ 6-85-305(b)(4)(A)]

Division of Higher Education

***Act 340 and Act 341:** These Acts create the Arkansas Access Act and amend various provisions of the Arkansas Code as they relate to education in the State of Arkansas. (Dismang, J., Sen., and Shepherd, M., Rep.)

§ 55: The return on investment metric under subdivision (a)(2)(E)(i) of the statute shall be defined by rule of the Division of Higher Education. [§ 6-61-234(a)(2)(E)(ii)]

State Board of Education

***Act 340 and Act 341:** These Acts create the Arkansas Access Act and amend various provisions of the Arkansas Code as they relate to education in the State of Arkansas. (Dismang, J., Sen., and Shepherd, M., Rep.)

§ 11: The State Board of Education shall promulgate rules for accelerated learning and approved courses for weighted credit that address the

following: standards; grading scales; a numeric value for the purpose of determining grade average; and weight given to the numeric value as provided in subdivision (b)(2) of the statute. [§ 6-15-902(c)(1)]

Act 730: This Act amends provisions of the Arkansas Code regarding the Course Choice Program. (Davis, B., Sen.)

§ 2: To support student participation, not later than the 2026-2027 school year, the State Board of Education shall promulgate rules on the Course Choice Program, including a process that includes without limitation: (a) the determination regarding whether each: proposed course provider complies with the law and State Board of Education rules; proposal submitted by a proposed course provider is valid, complete, financially well-structured, and educationally sound; proposal submitted by a proposed course provider provides a plan for collecting data; and proposal submitted by a proposed course provider offers the potential for fulfilling the purposes of the Course Choice Program; (b) the provision for an independent evaluation of each proposal submitted by a proposed course provider by a third party with educational, organizational, legal, and financial expertise; and (c) the provision for an agreement between the State Board of Education and course provider that shall include without limitation a plan for implementing or providing: administration of state assessments by the course provider or an eligible student's resident public school district as determined by the Division of Elementary and Secondary Education and as required by the school rating system under § 6-15-2101 et seq.; the public school districts in which the course provider will operate; proposed courses offered, alignment of the courses by the course provider with the Arkansas academic standards, and the designated length of each course offered; and assurances that the course provider shall, to the best of its ability, collaborate and coordinate with a local public school district in which an eligible student is enrolled full time. [§ 6-16-1703(b)]

Act 800: This Act repeals the laws concerning the District of Innovation Program; amends provisions of the Arkansas Code to create a more efficient system for public schools of innovation in Arkansas; and amends the Arkansas Quality Charter Schools Act of 2013. (McCollum, Rep.)

§ 9: The state board shall promulgate rules governing the process for submitting a request and the hearing procedures under subdivision (d)(4)(A) of the statute, which concerns the procedure used to place a public charter school on probation or modifying, revoking, transferring, assigning, or denying renewal of a charter. [§ 6-23-105(d)(4)(B)(ii)]

DEPARTMENT OF ENERGY AND ENVIRONMENT

Arkansas Pollution Control and Ecology Commission

Act 706: This Act amends payments for corrective action regarding petroleum storage tanks. (Gramlich, Rep.)

§ 2: The Arkansas Pollution Control and Ecology Commission, with the advice and input of the Advisory Committee on Petroleum Storage Tanks, shall provide through rule a deductible that is more than seven thousand five hundred dollars (\$7,500) but does not exceed thirty thousand dollars (\$30,000) for violations of rules of the Division of Environmental Quality as identified at the time of the request for payment for corrective action. [§ 8-7-907(d)(2)(A)]

§ 2: The amount of the deductible incurred by the owner or operator before the owner or operator is eligible to receive payment for corrective action shall be established by rule by the commission with the advice and input of the Advisory Committee on Petroleum Storage Tanks. [§ 8-7-907(d)(1)(A)]

Act 1009: This Act requires revocation of a permit for the disposal of industrial waste in an agricultural or pastoral application for a certain number of violations. (Hall, Rep.)

§ 2: The Arkansas Pollution Control and Ecology Commission shall begin the process to promulgate a rule to authorize no-discharge land application permits of industrial waste. Until the rule is effective, the Division of Environmental Quality shall continue the same processes and procedures regarding land application permits. [Uncodified language, § 2]

Oil and Gas Commission

Act 149: This Act amends the law concerning the Oil and Gas Commission; clarifies the regulation of carbon capture and sequestration; and establishes the Carbon Dioxide Storage Fund. (Shepherd, M., Rep.)

§ 1: The commission has the power and duty in administering the underground storage of carbon dioxide, the Underground Injection Control program regarding Class VI wells, and the Carbon Dioxide Storage Fund to adopt rules to govern the underground storage of carbon dioxide and to implement the Underground Injection Control program regarding Class VI wells, in accordance with applicable provisions of the Safe Drinking Water Act, 42 U.S.C. § 300f et seq., as it existed on January 1, 2025. [§ 15-71-110(g)(1)]

DEPARTMENT OF FINANCE AND ADMINISTRATION

Act 810: This Act amends the law concerning specie or legal tender; authorizes the use of a bullion depository; and allows for a precious metals-backed electronic system. (McAlindon, Rep.)

§ 1: The Chief Fiscal Officer of the State shall promulgate rules to implement and administer the statute, which concerns specie or legal tender. [§ 4-56-106(i)(1)]

Act 879: This Act amends the sales tax exemption for aircraft held for resale and used for rental or charter and clarifies the persons eligible for the sales tax exemption for aircraft held for resale and used for rental or charter. (Eaves, Rep.)

§ 2: The Department of Finance and Administration shall promulgate rules to prescribe the method of establishing the annual amount of gross lease revenue derived from renting or leasing an aircraft under subsection (e). [§ 26-52-409(e)(2)]

Act 926: This Act allows the electronic administration of documents related to the transfer and ownership of motor vehicles; authorizes the Department of Finance and Administration to establish an electronic lien system, an electronic titling system, and an electronic registration system; allows for an electronic application for registration and certificate of title; authorizes the creation of a secure digital vehicle title system; authorizes electronic signatures for motor vehicle registration and certificates of title; and allows for electronic disclosure of odometer readings. (Holcomb, Rep.)

§ 1: The Secretary of the Department of Finance and Administration shall adopt, pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., rules not inconsistent with Title 4, Chapter 90, Subchapter 2 of the Arkansas Code, concerning odometer regulations, or Title 49, Chapter 327 of the United States Code, or any rules promulgated thereunder prescribing the manner in which the written or electronic disclosure¹ shall be made. [§ 4-90-206(a)(4)]

Act 1006: This Act makes an appropriation for miscellaneous grants and expenses and various agency transfers for the Department of Finance and Administration – Disbursing Officer for the fiscal year ending June 30, 2026. (Joint Budget Committee)

§ 74: The department shall promulgate rules to implement the statute, concerning the Drug Task Force Fund, including without limitation: additional eligibility criteria, in consultation with the Office of Prosecutor Coordinator and Drug Task Force Board, for a drug task force to be eligible to receive a

¹ The statute previously required rulemaking prescribing the manner in which a written disclosure shall be made.

disbursement from the fund; and the process for a drug task force to submit eligibility documentation for a disbursement, including without limitation documentation illustrating eligibility under subsection (d) of the statute. [§ 19-5-1288(e)]

Alcoholic Beverage Control Division

Act 675: This Act amends the Direct Shipment of Vinous Liquor Act and establishes a wine direct shipper license. (McKenzie, B., Rep.) *Final rules shall be filed with the Secretary of State for adoption on or before one hundred eighty (180) days from the effective date of Act 675.*²

§ 1: The Director of the Alcoholic Beverage Control Division shall adopt rules to implement the Direct Shipment of Vinous Liquor Act. [§ 3-5-1707]

Act 874: This Act concerns the excise tax on certain beer and sake and creates an excise tax credit for certain beer and sake produced using Arkansas rice. (Wardlaw, Rep.)

§ 2: The rules shall provide a method of reporting and claiming a credit under § 3-7-117, concerning a tax credit for beer and sake produced with Arkansas rice. [§ 3-7-401(b)(2)]

Arkansas Racing Commission

Act 798: This Act amends the law concerning gambling and authorizes the Arkansas Racing Commission to maintain a statewide self-exclusion list. (McAlindon, Rep.)

§ 1: The commission shall promulgate rules to implement and enforce the statute, including without limitation rules concerning the transition from a single-location self-exclusion list to a statewide or broader self-exclusion list; an option for a self-excluded individual to select the state with which the commission is authorized to share his or her information; a means for an individual to join a self-exclusion list in multiple states using a single form; and a means for an individual to remove himself or herself from the self-exclusion list. [§ 23-117-103(h)]

Arkansas Tobacco Control

Act 934: This Act provides for the regulation of consumable hemp products by the Arkansas Tobacco Control Board; amends the Arkansas law to allow the

² Act 675, lacking an emergency clause, becomes effective August 5, 2025. *See* Op. Ark. Att’y Gen. No. 032 (2025).

regulation and purchase of consumable hemp products; and establishes a directory for consumable hemp manufacturers. (Dees, Sen.)

§ 10: The Director of Arkansas Tobacco Control shall promulgate rules for the enforcement of the statute, concerning testing of consumable hemp, and set penalties for any violation of the rules. [§ 20-56-510(f)(2)]

Assessment Coordination Division

Act 842: This Act establishes a method of valuation for real property used for affordable housing and establishes a method of valuation for certain real property under Arkansas Constitution, article 16, § 5. (Beaty, Jr., Rep.) *Final rules shall be filed with the Secretary of State for adoption on or before January 1, 2026.*

§ 2: The Assessment Coordination Division shall promulgate rules, including guidelines, for the fair and equitable assessment of real property that has federally imposed or state-imposed restrictions that use rent limitations, operations requirements, or any other restrictions on the real property that are connected to the real property being eligible for an income tax credit under 26 U.S.C. § 42; real property constructed with the use of the United States Department of Housing and Urban Development HOME Investment Partnerships Program; or real property constructed with the use of incentives provided by the United States Department of Agriculture under 42 U.S.C. § 1485. [§ 26-26-1202(j)]

DEPARTMENT OF HEALTH

Act 852: This Act amends the State Kidney Disease Commission to be an advisory council to the Department of Health. (Rose, Rep.)

§ 1: The Department of Health, in consultation with the State Kidney Disease Advisory Council, shall develop rules for determining eligibility for assistance in defraying the cost of care and treatment of renal disease under the program to assist persons suffering from acute or chronic renal failure in obtaining care and treatment requiring kidney dialysis or transplantation, to be recommended for adoption by the State Board of Health. [§ 20-15-603(a)(2)]

§ 1: The Department of Health, in consultation with the State Kidney Disease Advisory Council, shall establish rules for evaluating the financial ability of persons suffering from chronic kidney disease to pay for their own care, including the availability of third-party insurance coverage, for the purpose of establishing rules for eligibility for financial assistance in defraying the cost of the care and treatment from funds appropriated to the advisory council for renal disease treatment purposes. [§ 20-15-603(a)(5)]

Act 854: This Act increases accessibility while ensuring quality for certain facilities performing mammography services and amends the law concerning the quality standards for accreditation of facilities for mammography. (Shepherd, M., Rep.)

§ 2: The Department of Health shall modify all rules relating to performing diagnostic mammography services and the accreditation of facilities in which diagnostic mammography may be conducted to allow interpreting physicians to be immediately available via telecommunication. The department shall remove a requirement to have the interpreting physician physically on site for the performance of diagnostic mammography services. [Uncodified language, § 2]

Arkansas State Board of Nursing

Act 959: This Act authorizes an advanced practice registered nurse to delegate certain tasks to medical assistants and other unlicensed staff. (Pilkington, Rep.)

§ 1: The board shall adopt rules regarding the delegation of the nursing tasks under the statute, including without limitation the delegated administration of medications and immunizations only within the physical boundaries of the clinical setting of the advanced practice registered nurse; evaluation of whether delegation is appropriate according to the severity of a patient's condition; training and competency requirements that shall be met by the person administering medications and immunizations; and other standards and procedures deemed relevant by the board. [§ 17-87-107(c)]

Arkansas State Board of Pharmacy

Act 637: This Act authorizes alcohol and drug abuse treatment programs to maintain emergency medication kits. (Bentley, Rep.)

§ 1: The Arkansas State Board of Pharmacy shall adopt rules regarding the emergency medication kit, including without limitation: the contents of the emergency medication kit, which shall not contain a Schedule II controlled substance; the quantity of each medication in the emergency medication kit; the storage and security requirements for an emergency medication kit; and the use and access of an emergency medication kit. [§ 20-64-912(c)]

Act 961: This Act authorizes an outsourcing facility of legend drugs and controlled substances that compounds a product to sell the compounded product to certain entities. (Moore, K., Rep.)

§ 1: The board shall adopt rules pertaining to an Arkansas-licensed retail pharmacy dispensing a compound obtained from an outsourcing facility of legend drugs and controlled substances to a patient, including without

limitation requiring: patient education on the compound; the name of the outsourcing facility of legend drugs and controlled substances preparing the compound; and any other item related to the dispensing of a compound by an outsourcing facility of legend drugs and controlled substances deemed necessary by the board. [§ 17-92-121(d)]

Arkansas State Medical Board

Act 437: This Act authorizes a physician assistant to delegate certain tasks. (Penzo, C., Sen.)

§ 1: The Arkansas State Medical Board shall adopt rules that establish standards to be met and procedures to be followed by a physician or a physician assistant with respect to the delegation of the performance of medical practices to a qualified and properly trained employee who is not licensed or otherwise specifically authorized by the Arkansas Code to perform the practice. [§ 17-95-208(a)]

Emergency Medical Services Advisory Council³

Act 856: This Act establishes an exemption program for ambulance service's operators for certain healthcare services. (Johnson, L., Rep.)

§ 2: The Emergency Medical Services Advisory Council shall develop a set of protocols for 9-1-1 emergency medical situations that are exempt from the telemedicine requirement under subsection (b) of the statute, which concerns ambulance service – triage, treat, and transport to alternative destination, by rule. [§ 20-13-108(c)(1)]

State Board of Health

Act 1021: This Act creates the Arkansas Revenue Investment in Vital EMS Systems (ARRIVES) Act and creates the Arkansas Revenue Investment in Vital EMS Systems (ARRIVES) Fund for Emergency Medical Services Agencies. (Johnson, L., Rep.)

§ 2: The State Board of Health shall promulgate rules to implement the Arkansas Revenue Investment in Vital EMS Systems (ARRIVES) Act. [§ 20-13-1905]

³ Act 863 of 2025, in uncodified language, abolished the Emergency Medical Services Advisory Council, and its authority, duties, and functions were transferred to the Emergency Medical Services Advisory Committee of the Department of Health.

DEPARTMENT OF HUMAN SERVICES

Act 124 and Act 140: These Acts create the Healthy Moms, Healthy Babies Act and amend Arkansas law to improve maternal health in this state. (Pilkington, Rep., and Irvin, Sen.)

§ 3: The Department of Human Services shall apply for any federal waiver, Medicaid state plan amendments, or other authority necessary to implement Title 20, Chapter 77, Subchapter 29 of the Arkansas Code, concerning maternal health; and adopt rules to implement the subchapter. [§ 20-77-2907]

Act 301: This Act amends the Medicaid Provider-Led Organized Care Act and clarifies marketing by providers under the Medicaid Provider-Led Organized Care Act. (Davis, B., Sen.)

§ 1: The department shall revise the marketing rules to comply with the statute. [§ 20-77-2709(e)]

***Act 348:** This Act mandates coverage for acquired brain injury. (Bentley, Rep.)

§ 1: The Department of Human Services shall apply for a waiver or add this population to an existing waiver program to allow a beneficiary under the Arkansas Medicaid Program to have the appropriate home and community-based services to meet the beneficiary's needs. [§ 23-79-2903(b)]

Act 632: This Act requires the Department of Human Services to seek a waiver to the Arkansas Medicaid Program for coverage for inpatient treatment services for substance use disorders. (McGrew, Rep.)

§ 1: The Department of Human Services shall develop and submit an application to the Centers of Medicare & Medicaid Services for a demonstration waiver under section 1115 of the Social Security Act, as in effect January 1, 2025, for exclusion of institutions for mental diseases for inpatient treatment services of substance use disorder within the program. [§ 20-77-154(b)(1)(A)]

Act 636: This Act moves licensing and regulation of psychiatric residential treatment facilities from the Child Welfare Agency Review Board to the Department of Human Services and sets standards for the licensing and regulation of psychiatric residential treatment facilities. (Cavanaugh, Rep.)

§ 10: The Department of Human Services shall promulgate rules to implement Title 20, Chapter 46, Subchapter 4 of the Arkansas Code, concerning psychiatric residential treatment facilities, which shall include components that ensure quality of care, health and safety of residents and facility staff, and compliance with all educational requirements. [§ 20-46-404(b)]

Act 965: This Act establishes the Certified Community-Based Doula Certification Act and certifies birth and postpartum doulas in this state to improve maternal and infant outcomes. (Johnson, L., Rep.)

§ 1: On or before December 31, 2025, the Department of Human Services shall promulgate rules relating to the reimbursement of doulas under the Arkansas Medicaid Program. [§ 17-108-304(b)]

Act 969: This Act amends the Supplemental Nutrition Assistance Program and requires the Department of Human Services to request a waiver to exclude candy and soft drinks from eligible foods under the Supplemental Nutrition Assistance Program. (Penzo, C., Sen.)

§ 1: The Secretary of the Department of Human Services shall request a waiver from the United States Department of Agriculture to exclude candy and soft drinks from the definition of eligible foods under 7 C.F.R. § 271.2, as it existed on January 1, 2025. If a waiver requested under the statute, which concerns a waiver to enhance nutrition in the Supplemental Nutrition Assistance Program, is granted, the secretary shall prohibit the purchase of candy and soft drinks with benefits provided through the Supplemental Nutrition Assistance Program. If the waiver requested under the statute is not granted, the secretary shall request a waiver annually until the waiver to exclude candy and soft drinks from the definition of eligible foods is granted. [§ 20-76-120]

Division of Children and Family Services

Act 824: This Act amends the Child Welfare Agency Licensing Act; amends the training and certification process for foster parents; and streamlines the process of training and certifying relatives as foster parents. (Torres, Rep.)

§ 1: The division shall promulgate rules under the statute to streamline the training process for a provisional foster home. [§ 9-28-418(b)]

DEPARTMENT OF INSPECTOR GENERAL

Act 473: This Act amends the law regarding higher education and establishes the Research and Education Protection Act of 2025. (Painter, Rep.)

§ 1: The governing board of an institution of higher education and the department shall adopt rules to administer the statute. (§ 6-60-1609(f))

DEPARTMENT OF LABOR AND LICENSING

Arkansas Motor Vehicle Commission

Act 233: This Act concerns the requirement for new all-terrain vehicle dealers and new low speed vehicle dealers to maintain service and parts storage areas. (Dotson, J., Sen.)

§ 1: The Arkansas Motor Vehicle Commission shall promulgate rules to implement the statute, concerning an application for license. [§ 23-112-302(e)(4)]

Arkansas Real Estate Commission

Act 392: This Act amends the law concerning the Arkansas Real Estate Commission; creates a property management broker and property management associate license; and amends the Real Estate License Law. (McGrew, Rep.) *Final rules shall be filed with the Secretary of State for adoption on or before June 1, 2026.*

§ 7: The Arkansas Real Estate Commission shall promulgate rules to implement the Act. [§ 17-42-111]

DEPARTMENT OF THE MILITARY

Act 575: This Act authorizes the Department of the Military to enter in public-private partnerships and amends the law concerning gifts received by the Department of the Military. (Painter, Rep.)

§ 1: The Secretary of the Department of the Military shall promulgate rules to implement the statute, including without limitation rules regarding the establishment and implementation of a public-private partnership. [§ 12-60-105(c)(2)]

DEPARTMENT OF SHARED ADMINISTRATIVE SERVICES

***Act 560 and Act 779:** These Acts create a more sustainable system of property insurance for public schools, state-supported institutions of higher education, and state-owned property; create the Office of Property Risk within the Department of Shared Administrative Services; amend the Public Elementary and Secondary School Insurance Act; revise the Employee Benefits Division Oversight Subcommittee; amend the Arkansas Multi-Agency Insurance Trust Fund Act; combine public elementary and secondary schools with state-supported institutions of higher education and state-owned property under a single program to ensure proper valuation for property insurance purposes; create the State Captive Insurance Program Act; prohibit the use of public adjusting in property insurance claims; and allow for the creation of a captive insurance company by the State of Arkansas. (Wardlaw, Rep., and Gilmore, Sen.)

§ 10: In addition to the rules promulgated by the Commission for Arkansas Public School Academic Facilities and Transportation as required by § 6-21-804, the department, in consultation with the Division of Public School Academic Facilities and Transportation, shall promulgate rules regarding the following without limitation: the requirements associated with public school district schedules for maintenance, repair, and renovation activities in public school academic and nonacademic facilities, that shall be included in the Public School Facilities Custodial, Maintenance, Repair, and Renovation Manual required by § 6-21-808; insurance coverage requirements, including without limitation insurance coverage amounts and types of insurance coverage; preventive maintenance work requirements for each public school academic and nonacademic facility; projected replacement schedule requirements for major building systems in each public school academic and nonacademic facility; and a depreciation schedule for roofs and heating, ventilation, and air conditioning systems. [§ 6-21-806(f)]

§ 26: The Secretary of the Department of Shared Administrative Services shall promulgate rules to address the filing dates for a property claim that is incurred but not reported under the Public Elementary and Secondary School Insurance Act, § 6-20-1501 et seq. or the Arkansas Multi-Agency Insurance Trust Fund Act, § 25-35-101 et seq., once the State Captive Insurance Program is operational. [Uncodified language, § 26(a)]

§ 26: At a date to be determined by the secretary by rule, a property claim shall be adjusted and paid, under the Public Elementary and Secondary School Insurance Act, § 6-20-1501 et seq.; or Arkansas Multi-Agency Insurance Trust Fund Act, § 25-35-101 et seq. [Uncodified language, § 26(b)]

§ 26: A property claim that is incurred on and after a date to be determined by the secretary by rule shall be filed with the State Captive Insurance Program. [Uncodified language, § 26(d)]

Employee Benefits Division

Act 956: This Act requires a vendor that contracts with the Employee Benefits Division to submit data for verification by an independent audit and imposes a civil penalty on a vendor that provides inaccurate data. (Hammer, K., Sen.)

§ 2: The director shall promulgate rules to implement the statute, concerning the verification of data of a vendor, an independent audit process, civil penalty, and rules. [§ 21-5-425(e)]

Office of State Procurement

Act 782: This Act amends the Arkansas Procurement Law. (Gilmore, Sen.)
Within one hundred twenty (120) days of the effective date of the Act, the State

Procurement Director shall repromulgate all rules related to the sections of the Arkansas Code amended by the Act and the recommendations adopted by the Executive Subcommittee of the Legislative Council upon the conclusion of the procurement study conducted for the 2025 regular session to ensure that the rules promulgated under the sections of the Arkansas Code that are amended by the Act are in line with the intent of the General Assembly in enacting the Act.

§ 2: The director shall promulgate rules concerning the requirements for determining that a bid is unrealistic. [§ 19-11-229(f)(4)(C)]

§ 5: The director shall promulgate rules concerning the requirements for determining that the cost of a proposal is unreasonable or unrealistic. [§ 19-11-230(d)(5)(C)]

§ 6: The director shall promulgate rules detailing the requirements for negotiations under the statute, which concerns competitive sealed proposals. [§ 19-11-230(e)(5)]

INDEPENDENT NON-CABINET-LEVEL ENTITIES

ARKANSAS PUBLIC SERVICE COMMISSION

Act 945: This Act creates the Arkansas Wind Energy Development Act. (Hester, Sen.) *Final rules shall be filed with the Secretary of State for adoption on or before January 1, 2026.*

§ 1: The Arkansas Public Service Commission shall prescribe by rule the form and submittal requirements of the written notice required under subdivision (a)(1) of the statute, concerning service and notice requirements. [§ 23-18-1305(a)(2)]

§ 1: The Arkansas Public Service Commission shall promulgate rules to implement and administer the Arkansas Wind Energy Development Act. [§ 23-18-1319(a)]

ARKANSAS TEACHER RETIREMENT SYSTEM

Act 587: This Act concerns the membership of the Arkansas Teacher Retirement System and establishes the Creating an Investment Opportunity for Early Childhood Workers Act of 2025. (English, J., Sen.)

§ 3: The Board of Trustees of the Arkansas Teacher Retirement System shall promulgate rules for the implementation of the Creating an Investment Opportunity for Early Childhood Workers Act of 2025. [§ 24-7-212(e)]

STATE BOARD OF ELECTION COMMISSIONERS

Act 593: This Act amends the law concerning voter assistance and requires a person assisting a voter with a disability to present identification. (Hammer, K., Sen.)

§ 3: The State Board of Election Commissioners shall promulgate rules concerning the required documents or identification necessary to assist a voter with a disability under subdivision (b)(2)(B)(iii) of the statute. [§ 7-5-310(d)]

STATE BOARD OF FINANCE

***Act 424:** This Act mandates coverage for breast reconstruction surgeries; requires prior authorization for breast reconstruction surgeries; and establishes a minimum reimbursement rate for breast reconstruction surgeries. (Bryant, J., Sen.)

§ 1: The State Board of Finance shall develop and promulgate rules for the administration of Title 23, Chapter 79, Subchapter 29 of the Arkansas Code, concerning coverage for breast reconstruction surgery, for the plans providing health benefits to state and public school employees under § 21-5-401 et seq. [§ 23-79-2907(b)]

CONSTITUTIONALLY SEPARATE DEPARTMENTS

ARKANSAS DEPARTMENT OF TRANSPORTATION

Act 699: This Act amends the law concerning the relocation of utility facilities; amends the law concerning the acquisition, condemnation, and disposition of real property by the State Highway Commission; and establishes a process for the relocation of a utility facility located on a public right of way. (Bryant, J., Sen.)

§ 1: The department shall promulgate rules for the implementation of the statute, which concerns relocation of a utility facility. [§ 27-67-325(i)]

CONSTITUTIONAL OFFICES

SECRETARY OF STATE

Act 998: This Act amends the law concerning disclosure for campaign finance; requires disclosure by a representative of a hostile foreign principal; and amends portions of the Arkansas Code that resulted from Initiated Act 1 of 1990. (McAlindon, Rep.)

§ 4: The Secretary of State shall promulgate rules to create and maintain registration statement forms as described under Title 21, Chapter 8, Subchapter 11 of the Arkansas Code, concerning disclosure by representatives of a hostile foreign principal; and implement the subchapter. [§ 21-8-1106]

**SECTION II: ACTS REFERENCING RULEMAKING USING LANGUAGE THAT
COULD BE CONSIDERED DISCRETIONARY, BUT ALSO ESTABLISHING A DATE
CERTAIN FOR THE RULEMAKING**

CABINET-LEVEL DEPARTMENTS

DEPARTMENT OF HEALTH

Arkansas State Board of Dental Examiners

Act 395: This Act establishes the Dentist and Dental Hygienist Compact. (Hammer, K., Sen.) *Final rules shall be filed with the Secretary of State for adoption on or before January 1, 2026.*

§ 1: The board shall promulgate rules necessary to implement Title 17, Chapter 82, Subchapter 9 of the Arkansas Code, concerning the Dentist and Dental Hygienist Compact. [§ 17-82-902(b)(1)]

Arkansas State Medical Board

Act 269: This Act establishes the Interstate Medical Licensure Compact. (Penzo, C., Sen.) *Final rules shall be filed with the Secretary of State for adoption on or before January 1, 2026.*

§ 1: The board shall promulgate rules necessary to implement Title 17, Chapter 95, Subchapter 12 of the Arkansas Code, concerning the Interstate Medical Licensure Compact. [§ 17-95-1202(b)(1)]

Act 300: This Act establishes the Physician Assistant Licensure Compact. (Penzo, C., Sen.) *Final rules shall be filed with the Secretary of State for adoption on or before January 1, 2026.*

§ 1: The board shall promulgate rules necessary to implement Title 17, Chapter 105, Subchapter 2 of the Arkansas Code, concerning the Physician Assistant Licensure Compact. [§ 17-105-202(b)(1)]

DEPARTMENT OF HUMAN SERVICES

Act 567: This Act amends the annual cap for diagnostic laboratory services within the Arkansas Medicaid Program. (Penzo, C., Sen.) *Final rules shall be filed with the Secretary of State for adoption on or before January 1, 2026.*

§ 2: The Department of Human Services shall promulgate rules necessary to implement the Act. [Uncodified language, § 2(a)]

INDEPENDENT NON-CABINET-LEVEL ENTITIES

ARKANSAS PUBLIC SERVICE COMMISSION

Act 373: This Act amends the law concerning public utilities and creates the Generating Arkansas Jobs Act of 2025. (Dismang, J., Sen.)

§ 16: The Arkansas Public Service Commission shall amend its rules as required to implement and administer the Generating Arkansas Jobs Act of 2025. The commission shall enter an order approving the rules necessary to administer the Act before March 31, 2026. [§ 23-4-1311(a), (c)]

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