



Arkansas  
Secretary  
Of State

Charlie  
Daniels

# The Arkansas Register



**Volume XXVI, Number 12**

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**Charlie Daniels**  
**Secretary of State**  
**State Capitol, Room 026**  
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# THE ARKANSAS REGISTER

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# ATTORNEY GENERAL OPINIONS

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**Opinion No.: 2003-085**

Bradford, Jay  
*State Representative*

**RE:** Is it within the discretion of the court to apply a portion of the probation fee imposed on the defendant, pursuant to provisions of ACA 5-4-332, to defray the expenses relating to the billing, collection and recordkeeping required to collect the installment payment of fines? **RESPONSE:** A.C.A. § 16-13-704(b)(1) sets forth the sole fee that may be charged for the collection of an installment fine. In my opinion, irrespective of what the municipal and traffic courts currently do, the Code does not support charging a defendant a “probation fee” if the defendant is not placed on probation. A release without supervision following a plea or an adjudication of guilt fails to qualify as “probation.”

**Opinion No.: 2003-107**

Ormond, Charles L.  
*State Representative*

**RE:** Is it lawful for the Legislature to enact laws that allow a private or non-elected body to issue rules and regulations that public institutions must follow or adopt? **RESPONSE:** Nothing precludes the government from acknowledging the rule-making authority of an organization like the Arkansas Athletic Association, whose school-district members have voluntarily elected to participate in its activities. See, e.g., A.C.A. § 6-22-107 (noting the character of the AAA as a voluntary association of member districts). However, to the extent that rules are adopted by the AAA they must satisfy constitutional principles as applied and may not impinge on due process or equal protection rights.

**Opinion No.: 2003-110**

Edwards, Marilyn  
*State Representative*

**RE:** Is the City of Fayetteville legally authorized to empower its Code Compliance Officers with the right to issue criminal citations for violation of garbage and rubbish laws and ordinances for criminal prosecutions in the Fayetteville District Court? **ANSWER:** No, as to state law violations and, generally, yes as to violations of municipal codes, ordinances or regulations. See A.C.A. § 12-9-108.

**Opinion No.: 2003-111**

Proctor, Willard, Jr.  
*Circuit Judge, 6th Jud. Dist, 5th Div*

**RE:** Does a court reporter have authority to prepare a transcript for a private citizen in a criminal case where the record has been sealed or expunged? **RESPONSE:** When a record has been sealed according to statute, including when a case has been nolle prossed, a court reporter should not produce a transcript to any private citizen other than the individual for whom the record has been sealed. Under the facts as you have recited them, that individual would be the defendant, not the alleged victim. Under the stringent standard for sealing judicial records without specific statutory authority to do so, a court would need to determine based upon the contents of the transcript whether to authorize its release.

**Opinion No.: 2003-112**

Gibbons, David  
*Pros Att’y, 5th Judicial District*

**RE:** Q1) Does a second-class city have authority

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# ATTORNEY GENERAL OPINIONS

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to terminate its city court and still maintain a police department? Q2) Would an agreement between the City of Hector and Pope County that would allow misdemeanors that occur within Hector city limits to be prosecuted in Pope County District Court by the Pope County Deputy Prosecuting Attorney on behalf of the City of Hector with all fines, court costs and other monies distributed as if the arrests were made by a Pope County Deputy Sheriff, violate Arkansas law? Q3) What impact, if any, does Act 1032 of 2003 have on the above agreement? RESPONSE: Q1) Yes. See Am. 80, 19(B)(2). Q2) As described, they seem generally consistent with Ark. law. However, the provision concerning fee distribution should be evaluated for consistency with the laws governing the administration of justice funds. Q3) Act 1032 of 2003 has no impact.

**Opinion No.: 2003-114**

Lamoureux, Michael  
*State Representative*

**RE:** Q1) If a city of the first class with a civil service commission adopts an ordinance delegating the authority to appoint and remove the heads of the police and fire department to the city's civil service commission, is the mayor's recommendation required by the civil service commission to exercise the delegated ability to hire and fire the police or fire chiefs? Q2) Does ACA 14-42-110(a)(2) conflict with ACA 14-51-212 or 14-51-301(c)? RESPONSE: Q1) No. Such a requirement would render the delegation meaningless. Q2) No.

**Opinion No.: 2003-116**

Nichols, Wayne  
*State Representative*

**RE:** Does the Arkansas Local Police and Fire

Retirement System have authority to return LOPFI funds received from the City of Tyronza without city council authorization, or is LOPFI entitled to hold the money even though the City has requested that it be returned? RESPONSE: A court should decide whether it is appropriate that the funds the former mayor transferred should remain in the state-administered LOPFI account. Even if a court were to direct that the funds be returned to the city, I do not believe it would be appropriate for the city to treat them as general revenues, given that insurance turnback funds are earmarked for contributions to LOPFI or, under certain circumstances, to local pension funds.

**Opinion No.: 2003-117**

Luker, Jim  
*State Senator*

**RE:** Pursuant to provisions of Act 1188 of 2003, codified at ACA 16-17-129, do Arkansas cities have authority to impose and collect an additional \$5 fee for seat belt violations in light of the language contained in ACA 27-37-706? RESPONSE: Yes. The prohibition of ACA 27-37-706 applies to court costs and fees, not fines.

**Opinion No.: 2003-118**

Laverty, Randy  
*State Senator*

**RE:** Pursuant to provisions of Ark. Const. amend 31, does the Harrison Firefighters Pension Board have authority to seek an increase in pension fund millage from .4 to 1 mill with an accompanying sunset clause on the measure? RESPONSE: Current law does not authorize a sunset clause on such measures. See ACA 24-11-812. Legislative clarification may be indicated.

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# ATTORNEY GENERAL OPINIONS

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**Opinion No.: 2003-120**

Melton, Don  
*Director, Arkansas State Police*

**RE:** Does the AG concur with the conclusions reached in DF&A Advisory Opinion #483-03-4, regarding State Police Commissioners buying handguns engraved with the Arkansas State Police logo, using state contract number T-00-0129, for personal use? **RESPONSE:** As a matter of policy, this office declines to second-guess advisory opinions rendered by DF&A pursuant to A.C.A. § 19-11-715(b).

**Opinion No.: 2003-121**

King, Barbara  
*State Representative*

**RE:** Can a justice of the peace, who is also an attorney at law and is appointed by the circuit court to serve as the attorney for an indigent person or minor within the county, be paid a court-ordered fee for such legal services from a fund appropriated by the quorum court of the county? **RESPONSE:** No. ACA 24-24-2305(c).

**Opinion No.: 2003-124**

King, Barbara  
*State Representative*

**RE:** Could an existing municipal office holder, who has an unexpired term, be able to successfully override Sec 4 of Act 1171 of 2003, codified at A.C.A. 14-40-1207? **RESPONSE:** The answer will depend on which of the two cities elected the office holder, and whether the petition for consolidation called for a citywide election of all city officers. Office holders who were elected in the smaller city cannot serve the

remainder of their terms. Office holders who were elected in the larger city can serve the remainder of their terms, unless the petition called for a citywide election, in which case they cannot serve the remainder of their terms.

**Opinion No.: 2003-125**

Boyd, Travis  
*State Representative*

**RE:** In light of the Arkansas Supreme Court decision in Hogue v. NLR Housing Authority, 144 S.W.2d 49 (1940), is the real estate owned by the City of Piggott, Arkansas, on which low-income housing is located, exempt from taxation as provided by art. 16, Sec. 5 of the Arkansas Constitution? **RESPONSE:** The question of whether a particular piece of property is tax-exempt is a fact question for the assessor to determine. Although Arkansas case law supports the tax exempt status of publicly-owned low income housing, all the attendant facts must be considered.

**Opinion No.: 2003-126**

Broadway, Shane  
*State Senator*

**RE:** May a mental health provider furnish mental health services and treatment to a minor without first obtaining parental consent? **RESPONSE:** Arkansas law does not directly address this question. In the absence of further legislative or judicial guidance, mental health providers have the responsibility to determine whether the minor possesses the maturity and intelligence to grant consent. If so, the service may be provided. An issue that must also be considered is the issue of the constitutional rights of both the parents and the minor.

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# ATTORNEY GENERAL OPINIONS

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**Opinion No.: 2003-127**

Richards, Henry

*Sponsor, CLOTTERY Measure*

**RE:** Request for certification of popular name and ballot title of proposed constitutional amendment to establish a state lottery. **RESPONSE:** Rejected due to procedural irregularities and insufficiency, with instructions to redesign.

**Opinion No.: 2003-128**

Parks, Marvin

*State Representative*

**RE:** Pursuant to provisions of A.R.C.P., Rule 4, is a person authorized to serve legal summons if he is approved for service by at least one judge within the judicial district? **RESPONSE:** Ark. R. Civ. P. 4 authorizes any judge in a particular county to appoint an adult to serve process within the county in any legal matter. However, if a judicial district comprises more than one county, an adult may serve process outside the county in which the matter is pending only if he has been appointed to do so by the court having jurisdiction or by a court in the county where the process is to be served. In my opinion, Rule 4 supersedes any legislation that might suggest a different scope of authority.

**Opinion No.: 2003-130**

Anderson, Keven

*State Representative*

**RE:** May a duly-elected district judge conduct bail bond hearings, review probably cause affidavits for search warrants, review probably cause affidavits for arrest warrants, conduct extradition hearings, and conduct indigency hearings regarding the appointment of the public defender to represent criminal defendants in a matter that is filed in another

district court in the same county or in Benton County Circuit Court? **ANSWER:** This cannot be answered under the office's longstanding policy to decline to issue opinions on matters currently in litigation.

**Opinion No.: 2003-132**

Thompson, Robert

*Attorney, Paragould Housing*

**RE:** Pursuant to provisions of the Freedom of Information Act (FOIA), is there a compelling public interest in the release of records contained in the personnel file of the former executive director of the Paragould Housing Authority evidencing the performance or lack of performance of official duties of her position? **RESPONSE:** All of the documents requested by the newspaper constitute "employee evaluation/job performance records" under the FOIA. While there may well be a compelling public interest in their disclosure, they should not be disclosed before the executive director has had a full opportunity to exhaust any available administrative appeal.

**Opinion No.: 2003-133**

Smith, Roger

*State Representative*

**RE:** Do provisions of Act 481 of 2003 provide for retroactive payments back to July 1, 2001 for the added 15% in benefit payments to disabled retirees? **RESPONSE:** Yes.

**Opinion No.: 2003-134**

Malone, Percy

*State Senator*

**RE:** Does A.C.A. 14-47-135 apply to all appointed positions that the board of directors must vote to confirm or select to fill upon recommendation from

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# ATTORNEY GENERAL OPINIONS

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the city manager, regardless of being advisory or created by ordinance? Q2) If there are exceptions to this statute, what are they? RESPONSE: A conclusive response would require reference to the position in question, but generally the prohibition applies to all appointive positions, including advisory positions and ones created by ordinance. See Op. 90-160.

**Opinion No.: 2003-135**

Yeager, Lynda Thomas, PHR  
*Director, City of Conway Human Resources*

**RE:** Request for guidance in responding to a request for personnel records, copies of email transmissions and other public records in response to a Freedom of Information Act (FOIA) request. Also, can the city sue a citizen for costs incurred when that citizen fails to pick up requested copies? **ANSWER:** Most of the questions asked do not involve personnel or evaluation records and cannot be answered in the context of this opinion. Regarding the procedure for providing copies of records in response to a FOIA request, there is probably no recourse if the requester does not retrieve the copies. The risk of nonpayment, where the estimated cost is less than \$25, appears to be inherent in the statute.

**Opinion No.: 2003-136**

Higginbotham, Steve  
*State Senator*

**RE:** In light of provisions of ACA 27-35-102 and, more specifically 27-35-210, is an individual required to have a permit in order to move farm equipment that is 20 feet wide or more along county roads at night? **RESPONSE:** In my opinion, it is illegal to move wide loads on farm tractors on an Arkansas state highway at night without first obtaining a permit to do

so from the State Highway Commission. A.C.A. § 27-35-210 (Supp. 2001). I believe this statute supersedes A.C.A. § 27-35-102, which purports to exempt "implements of farm husbandry from any of the statutory weight, length and width restrictions.

**Opinion No.: 2003-137**

Yeager, Lynda Thomas, PHR  
*Director, Conway Human Resources*

**RE:** Request for assistance in determining whether records relating to the city's contract with an outside investigator are disclosable in response to a Freedom of Information Act (FOIA) request. **RESPONSE:** I do not have authority to respond, because the records in question are not personnel or performance evaluation records, as required under ACA 25-19-105(c)(3)(B).

**Opinion No.: 2003-138**

Wilkins, IV, Henry "Hank"  
*State Senator*

**RE:** Can a state employee serve in the legislature, as in the case of Sen. Tracy Steele who is employed by the state as Director of the Arkansas Martin L. King, Jr. Commission? Please also address the issue as to all state employees. **RESPONSE:** As a general matter, the dual service of Senator Steele does not run afoul of the Arkansas Constitution and is expressly permitted, although regulated by a 1999 act of the General Assembly. See ACA 21-1-402. An individual who serves in such dual positions should always be cognizant, however, of any potential conflicts of interest that might arise on a case-by-case basis. I cannot address the question regarding all state employees because each case must be reviewed on its own facts. Particular statutory provisions may impact the issue in a given case.

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# ATTORNEY GENERAL OPINIONS

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**Opinion No.: 2003-140**

Jones, Steve  
*State Representative*

**RE:** Is it legal that funds raised through an advertising and promotions commission be used to subsidize funding for a local bus service as set forth in the Advertising and Promotion Commission Act, subchapters 6 and 7? **RESPONSE:** The answer will depend upon whether this funding falls within the purposes set forth in ACA 26-75-606.

**Opinion No.: 2003-142**

Parks, Marvin  
*State Representative*

**RE:** Is it a common practice for a pharmacy to bill Medicaid for more than the actual bill? **RESPONSE:** This question has arisen from an intensely fact-oriented dispute between a constituent and his pharmacy. As such, it should not be addressed in a formal Attorney General's opinion. I will forward the file to the Public Protection and Medicaid Departments of this office for further action

**Opinion No.: 2003-143**

Chesterfield, Linda  
*State Representative*

**RE:** Does the dual role of State Senator and Director of the Martin L. King, Jr. Commission cause a conflict of interest? **RESPONSE:** See Opinion 2003-138.

**Opinion No.: 2003-144**

Simon, Raymond  
*Director, AR Dept of Education*

**RE:** Pursuant to provisions of ACA 26-80-201 et seq., is the Department of Education ("Department") required to give effect to those portions of the existing Ark. Const. amend. 74 enabling statutes that have been found unconstitutional in the Lake View case? Q2) Is the Department required to credit a school district's debt service funding supplement toward satisfying the Amendment 74 twenty-five (25) mill requirement? Q3) Is the Department required to credit a school district's dedicated maintenance and operation mills toward satisfying the Amendment 74 twenty-five (25) mill requirement? Q4) Are there any other relevant changes in the Department's legal obligations in calculating the total millage necessary for school districts to comply with the uniform rate of tax in consideration of the Arkansas Supreme Court Lake View decision? **RESPONSE:** Q1) No. The Department should not ignore the fact that the supreme court has expressly declared this statute unconstitutional. Q2) Although I believe it would be constitutionally suspect to credit debt service funding supplements against the uniform rate of tax, no court has yet ruled to this effect. In my opinion, the Department would meet its statutory obligations if it advised the school districts of the possible constitutional problems and left the quorum courts to determine whether to treat the supplements as credits. Q3) I believe the Department should credit against the uniform rate of tax millages devoted to the purposes set forth at A.C.A. § 26-80-110(b)(1) through (4). However, without further judicial clarification, I am unable to opine whether a district should credit millages devoted to the repayment of revolving loans pursuant to A.C.A. § 16-80-110(b)(5). Again, I believe the Department would fulfill its obligations merely by informing the districts of the constitutional issues and leaving the quorum courts to determine whether to treat such mills as credits. Q4) No.

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# ADOPTED RULES AND REGULATIONS

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## BOARD OF DENTAL EXAMINERS

Docket No.: 038.00.03--001  
Effective Date: 6/23/03  
Contact Person: William Trice, III  
Telephone: (501) 372-4144

### Article XIV: Minimum Continuing Education for Dentists and Dental Hygienists

## BOARD OF PUBLIC ACCOUNTANCY

Docket No.: 019.00.03--002  
Effective Date: 6/14/03  
Contact Person: Leveta Ray  
Telephone: (501) 682-5533

### Rule 3.3 (b): Requirements to sit as a first-time applicant

## DEPARTMENT OF COMMERCE

### *State Plant Board*

Docket No.: 003.11.03--003  
Effective Date: 7/1/03  
Contact Person: Terry Walker  
Telephone: (501) 225-1598

### Pest Control Enforcement Response Regulations

Docket No.: 003.11.03--004  
Effective Date: 7/1/03  
Contact Person: Mary Smith  
Telephone: (501) 225-1598

### Regulations for the Sale of Planting Seed in Arkansas

## DEPARTMENT OF COMMUNITY CORRECTION

Docket No.: 159.00.03--002  
Effective Date: 6/22/03  
Contact Person: G. David Guntharp  
Telephone: (501) 682-9568

### AR 1.4 - Community Correction Center Criteria and Standards

Docket No.: 159.00.03--003  
Effective Date: 6/22/03  
Contact Person: G. David Guntharp  
Telephone: (501) 682-9568

### AR 1.9 - Research and Evaluation

Docket No.: 159.00.03--004  
Effective Date: 6/22/03  
Contact Person: G. David Guntharp  
Telephone: (501) 682-9568

### AR 7.27 - Volunteer Program

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# ADOPTED RULES AND REGULATIONS

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## DEPARTMENT OF WORKFORCE EDUCATION

Docket No.: 172.00.03--002  
Effective Date: 6/20/03  
Contact Person: Peggy Wakefield  
Telephone: (501) 682-1500

### Arkansas Technical Careers Student Loan Forgiveness Program

## EDUCATION DEPARTMENT *Attorney's Office*

Docket No.: 005.23.03--001  
Effective Date: Proposed  
Contact Person: Scott Smith  
Telephone: (501) 682-4227

### **PROPOSED RULE: Guidelines Procedures, and Enforcement of the Arkansas Public School Choice Act**

*Office of Accountability*

Docket No.: 005.19.03--002  
Effective Date: 6/11/03  
Contact Person: Scott Smith  
Telephone: (501) 682-4227

### **Emergency Rule: ADE 153 - Amendment to Rules Governing the Standards of Accreditation**

Docket No.: 005.19.03--003  
Effective Date: Proposed  
Contact Person: Annette Barnes  
Telephone: (501) 682-4393

### **PROPOSED RULE: Standards for Accreditation of Arkansas Public Schools**

Docket No.: 005.19.03--004  
Effective Date: Proposed  
Contact Person: Dr. Charles Watson  
Telephone: (501) 682-4247

### **PROPOSED RULE: Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program**

*Technical Assistance*

Docket No.: 005.25.03--001  
Effective Date: Proposed  
Contact Person: Patricia Martin  
Telephone: (501) 682-5124

### **PROPOSED RULE: Rules and Regulations Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program**

Docket No.: 005.25.03--002  
Effective Date: Proposed  
Contact Person: Jim Boardman  
Telephone: (501) 371-5005

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# ADOPTED RULES AND REGULATIONS

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**PROPOSED RULE: Distance Learning -- To set guidelines for the Arkansas Distance Learning Development Project and the operation of distance learning in the public schools**

## **GAME & FISH COMMISSION**

Docket No.: 002.00.03--004  
Effective Date: 6/6/03  
Contact Person: James Goodhart  
Telephone: (501) 223-6327

**Approved 2003-2004 Statewide Hunting Seasons and Calendar Adjustments**

## **HUMAN SERVICES**

### *Administrative Services*

Docket No.: 016.14.03--006  
Effective Date: 5/30/03  
Contact Person: Bill Tyler  
Telephone: (501) 682-9631

**DHS HIPAA Policies 4001, 4004, 4005, 4006, 4007, 4008, 4009 and Forms 4003, 4004, 4005, and 4006**

Docket No.: 016.14.03--007  
Effective Date: 5/30/03  
Contact Person: Bill Tyler  
Telephone: (501) 682-9631

**DHS 1083 - Document & Records Retention**

### *Children and Family Services*

Docket No.: 016.15.03--003  
Effective Date: 5/29/03  
Contact Person: Vivian Jackson  
Telephone: (501) 682-1577

**Emergency Rule: Arkansas Revised Uniform Adoption Act (Act 650) amendments and Title IV-E; DCFS Forms CFS-25, CFS-304, CFS-409, CFS-413, CFS-420, CFS-425, CFS-426, CFS-427, CFS-428A, CFS-428B, CFS-428C, CFS-429, CFS-431, CFS-432, CFS-433, CFS-434, CFS-467, CFS-468, CFS-470, and CFS-471**

### *Medical Services*

Docket No.: 016.06.03--005  
Effective Date: 7/1/03  
Contact Person: Tommy Wingard  
Telephone: (501) 682-6117

**Procedures for Determination of Medical Need for Nursing Home Services**

Docket No.: 016.06.03--006  
Effective Date: 6/15/03  
Contact Person: Will Taylor  
Telephone: (501) 682-8362

**State Plan Transmittal #2003-006 -- Attachment 3.1A Page 10a**

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# ADOPTED RULES AND REGULATIONS

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Docket No.: 016.06.03--007  
Effective Date: 6/15/03  
Contact Person: Suzette Bridges  
Telephone: (501) 683-4122

**Official Notice DMS-2003-O-4, DMS-2003-E-3, DMS-2003-II-3, DMS-2003-KK-4, DMS-2003-Q-4, DMS-2003-R-6, DMS-2003-OO-4**

Docket No.: 016.06.03--008  
Effective Date: 6/15/03  
Contact Person: Carolyn Patrick  
Telephone: (501) 682-8359

**DMS-836 -- TEFRA Waiver Program Premium Notification Form**

Docket No.: 016.06.03--009  
Effective Date: 6/15/03  
Contact Person: Carolyn Patrick  
Telephone: (501) 682-8359

**Official Notice DMS-2003-CA-1, DMS-2003-L-1, DMS-2003-Y-1 -- Primary Care Physician (PCP) Referral Requirement for Mental Health Admissions**

## **LABOR DEPARTMENT**

*Employment Security Department*

Docket No.: 010.02.03--001  
Effective Date: 7/1/03  
Contact Person: Allan Pruitt  
Telephone: (501) 682-3152

### **Regulation 5 - Posting of Notice to Workers**

Docket No.: 010.02.03--002  
Effective Date: 7/1/03  
Contact Person: Allan Pruitt  
Telephone: (501) 682-3152

### **Regulation 6(B) - Contribution Payments and Reports, Payments in Lieu of Contributions**

Docket No.: 010.02.03--003  
Effective Date: 7/1/03  
Contact Person: Allan Pruitt  
Telephone: (501) 682-3152

### **Regulation 14(b) - Claim Filing**

Docket No.: 010.02.03--004  
Effective Date: 7/1/03  
Contact Person: Allan Pruitt  
Telephone: (501) 682-3152

### **Regulation 14 (c) - Registration and Reporting**

Docket No.: 010.02.03--005  
Effective Date: 7/1/03  
Contact Person: Allan Pruitt  
Telephone: (501) 682-3152

### **Regulation 15 - Notice of Claims Filed and Benefits Charged, Employer Response and Non-Charge Rights**

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# ADOPTED RULES AND REGULATIONS

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## LIVESTOCK & POULTRY COMMISSION

Docket No.: 125.00.03--002  
Effective Date: 6/19/03  
Contact Person: Karen Gray  
Telephone: (501) 907-2411

### **Exhibition Health Requirements for Livestock, Poultry and Exotic Animals**

Docket No.: 125.00.03--003  
Effective Date: 6/19/03  
Contact Person: Karen Gray  
Telephone: (501) 907-2411

### **Arkansas Tuberculosis Regulations**

Docket No.: 125.00.03--004  
Effective Date: 6/19/03  
Contact Person: Karen Gray  
Telephone: (501) 907-2411

### **Arkansas Health Requirements Governing the Entry of Livestock, Poultry, and Exotic Animals**



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# INSURANCE DEPARTMENT

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**03-001**

*(Order)*

In the Matter of the Examination of  
**Farmers Home Mutual Fire Insurance Company**

**03-002**

*(Adoption Order)*

In the Matter of the Examination of  
**Security Alliance Insurance Company**

**03-004**

*(Order)*

In the Matter of the Illegal Insurance Activities of  
**Custom Rail Employer Welfae Trust Fund,  
Medical Benefits Administrators of Maryland,  
Inc., and Ronald J. Wilson**

**03-005**

*(Order)*

In the Matter of the Examination of  
**American Dental Providers of Arkansas, Inc.**

**03-006**

*(Order)*

2002 Proposed Merger of  
**White River Valley insurance Company, with  
Citizens Fidelity Insurance Company**

**03-008**

*(Order of Suspension)*

In the Matter of the Certificate of Authority of  
**Acceptance Insurance Company**

**03-009**

*(Adoption Order)*

In the Matter of the Examination of  
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**03-010**

*(Order)*

In the Matter of the 2003 Proposed Acquisition or  
Change of Control of  
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a Domestic Arkansas Insurer, by Citizens, Inc.,  
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In the Matter of  
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**03-012**

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In the Matter of the Examination of  
**Logan County Farmers Mutual Aid**

**03-013**

*(Adoption Order)*

In the Matter of the Examination of  
**Arkansas Title Insurance Company**

**03-014**

*(Consent Order)*

In the Matter of  
**Kathy Marie Schluterman**

**03-015**

*(Order)*

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**03-016**

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**03-017**

*(Adoption Order)*

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**03-018**

*(Consent Order)*

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**John D. Fowlkes**

**03-019**

*(Consent Order)*

In the Matter of  
**Ellen Faye Settle**

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# INSURANCE DEPARTMENT

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**03-020**

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**03-021**

*(Emergency License Suspension Order)*  
In the Matter of  
**Cassandra Ann Kimble**

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**03-022A**

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In the Matter of  
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**03-023**

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**03-024**

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**03-036**

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**03-037**

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**Casualty Reciprocal Exchange**

**03-039**

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In the Matter of the Certificate of Authority of  
**Reciprocal Exchange**

**03-040**

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In the Matter of the Certificate of Authority of  
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# INSURANCE DEPARTMENT

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**03-042**

*(Consent Order)*  
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**03-043**

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In the Matter of  
**Michelle S. Leary**

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**Isophene Wiley**

**03-045**

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**03-049**

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A Tennessee Insurer**

**03-050**

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A Tennessee Insurer**

**03-051**

*(Order of Suspension)*  
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**03-052**

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**03-053**

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**03-054**

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**03-055**

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**03-056**

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In the Matter of the Certificate of Authority of  
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**03-059**

*(Order of Cancellation)*  
In the Matter of the Certificate of Authority of  
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# ORDERS AND NOTICES

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## LEGISLATIVE AUDIT June 2, 2003

<b>Agency</b>	<b>Period Covered</b>
Southern Arkansas University	6/30/02
Arkansas Tech University	6/30/02
South Arkansas Community College	6/30/02
University of Arkansas at Monticello	6/30/02
University of Arkansas at Pine Bluff	6/30/02
Southeast Arkansas College	6/30/02
University of Arkansas System Combined	6/30/02
University of Arkansas System Administration	6/30/02
University of Arkansas - Fayetteville	6/30/02
University of Arkansas at Little Rock	6/30/02
University of Arkansas Community College at Batesville	6/30/02
University of Arkansas Community College at Hope	6/30/02
Cossatot Community College of the University of Arkansas	6/30/02
Phillips Community College of the University of Arkansas	6/30/02
University of Arkansas at Fort Smith	6/30/02
University of Arkansas Community College at Morrilton	6/30/02
East Arkansas Community College	6/30/02
North Arkansas Community College	6/30/02

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# ORDERS AND NOTICES

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Ozarka College	6/30/02
Rich Mountain Community College	6/30/02
Arkansas State University	6/30/02
Arkansas State University - Beebe	6/30/02
Arkansas State University - Newport	6/30/02
Garland County Community College	6/30/02
Henderson State University	6/30/02
Southern Arkansas University - Tech	6/30/02
Mid-South Community College	6/30/02
Mississippi County Community College	6/30/02
Northwest Arkansas Community College	6/30/02
Black River Technical College	6/30/02
Ouchita Technical College	6/30/02
Pulaski Technical College	6/30/02
Arkansas Valley Technical Institute	6/30/02
Cotton Boll Technical Institute	6/30/02
Crowley's Ridge Technical Institute	6/30/02
Foothills Technical Institute	6/30/02
Great Rivers Technical Institute	6/30/02
Northwest Technical Institute	6/30/02
Arkansas State University - Mountain Home	6/30/02
Quapaw Technical Institute	6/30/02

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# ORDERS AND NOTICES

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Arkansas State Highway and Transportation	6/30/02
Office of the Attorney General	6/30/02
Secretary of State	6/30/02
Arkansas Spinal Cord Commission	6/30/02
Office of Prosecutor Coordinator	6/30/02
Arkansas Public Employee Retirement System	6/30/02
Arkansas Judicial Retirement System	6/30/02
Arkansas Prosecuting Attorney's Association	12/31/01
Arkansas Prosecuting Attorney's Association	12/31/02
Auditor of State	6/30/02
Auditor of State - Disbursing Officer	6/30/02
Department of Education - Arkansas School for the Blind	6/30/02
Department of Correction - Report on Certification of Consumption of Farm Produce	6/30/02
Arkansas State Highway Employees Retirement System	6/30/02
Arkansas State Police Retirement System	6/30/02
Department of Finance and Administration - Revenue Division - Office of Field Audit Collection Section	6/30/02
Department of Finance and Administration - Revenue Division - Motor Fuel Tax Section	6/30/02
Department of Finance and Administration - Revenue Division - Miscellaneous Tax Section	6/30/02
Department of Finance and Administration - Revenue Division - Office of Revenue Legal Counsel	6/30/02
State Board of Disease Intervention Specialists	6/30/01

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# ORDERS AND NOTICES

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Arkansas Board of Dispensing Opticians	6/30/01
Workers' Compensation	6/30/02
Arkansas Educational Telecommunications Network Foundation (Private)	6/30/02
Arkansas National Guard Morale, Welfare and Recreation Fund, Inc. (Private)	12/31/02
Arkansas Employment Security Department (Private)	6/30/02
Arkansas State Board of Public Accountancy (Private)	6/30/02
Arkansas War Memorial Stadium Commission (Private)	6/30/02
Disability Determination for Social Security Administration (Private)	6/30/02
Arkansas Development Finance Authority (Private)	6/30/02
Arkansas Deaf and Hearing Impaired Telecommunications Corporation (Private)	6/30/01
East Arkansas Planning and Development District (Private)	6/30/02
Southwest Arkansas Planning and Development District, Inc. (Private)	6/30/02
West Central Arkansas Planning and Development District, Inc. (Private)	6/30/02
White River Planning and Development District, Inc. (Private)	6/30/02

Secretary of State  
Charlie Daniels  
*Arkansas Register Division*  
State Capitol Building, Room 026  
Little Rock, AR 72201-1094

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# ARKANSAS REGISTER

Published by:  
**Charlie Daniels**  
Arkansas Secretary of State

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Secretary of State  
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