



Arkansas  
Secretary  
Of State

# The Arkansas Register



**Volume XXV, Number 4**

**October 2001**

*Corporate Records - Elections - Capitol Building and Grounds*

State Capitol - Little Rock, Arkansas 72201-1094 - 800.482.1127 - [www.sosweb.state.ar.us](http://www.sosweb.state.ar.us)

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**Secretary of State  
State Capitol, Room 026  
Little Rock, AR 72201-1094**

**Editor . . . . . Jon Davidson**

**Published by . . . . .  
*Secretary of State***

The *Arkansas Register* is an official publication of the State of Arkansas. It contains administrative rules and regulations adopted by state agencies, boards and commissions pursuant to Act 434 of 1967, as amended. The *Arkansas Register* also includes Attorney General opinions, notice of legislative audit reports and insurance orders. The subscription rate is \$40 per year or \$3.50 a copy, distributed monthly, postpaid within the United States.

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# THE ARKANSAS REGISTER

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# ATTORNEY GENERAL OPINIONS

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**Opinion No.: 2001-222**

Charles L. Robinson, CPA,  
*Auditor, Leg Joint Auditing Committee*

**RE:** May city managers, other city employees, or county employees be employed pursuant to a contractual relationship? Q2) Are city managers and other public employees (municipal, county, school employees) considered “employees-at-will”? Q3) May a city pay severance packages to a city manager or other terminated, retiring, or resigning employees? Q4) May a county pay severance packages to terminated, retiring, or resigning employees? Q5) May a school district pay severance packages to terminated, retiring, or resigning employees? **RESPONSE:** Q1) Yes. See A.C.A. secs. 14-54-101 and 14-41-801. Q2) As a general rule, yes, unless the employer has contracted that dismissal will be only for cause. City managers are at-will employees pursuant to statute. A.C.A. § 14-47-119(e). By contrast, a nonprobationary teacher may be terminated during the term of a contract only for cause or if there is a district-wide reduction in certified staff. A.C.A. § 6-17-1507(a), as amended by Act 1739 of 2001. Q3 through 5) The Code does not address whether it is permissible to make severance payments to public employees. Although I cannot formally opine on this issue in the absence of legislative or judicial guidance, I believe offering a severance package to a city, county or school-district employee may at some point transgress constitutional restrictions depending on its particular terms. Ark. Const. art. 16, sec. 3. I cannot predict the outcome of such a challenge in the abstract.

**Opinion No.: 2001-227**

Martha A. Shoffner  
*State Representative*

**RE:** Q1) Is it legal for a bank to disclose a list of information about non-public personal business transactions and account records? Q2) What does the phrase “notice of our financial privacy rights” mean

regarding the above information? **RESPONSE:** See opinion for analysis of circumstances under which banks may and may not be permitted to disclose this type of information.

**Opinion No.: 2001-229**

Shane Broadway  
*State Representative*

**RE:** Should there be enforcement of the provisions of ACA 5-26-502, to safeguard against infringement of an unmarried mother’s statutory custody? **RESPONSE:** This falls within the discretion of the prosecuting attorney. While it is possible that the criminal offence of “interference with custody” could apply when an alleged biological father takes an illegitimate child from the mother who has legal custody pursuant to 9-10-113, this is a matter to be decided by the prosecutor. This office has no authority or jurisdiction in such matters.

**Opinion No.: 2001-230**

Randy Minton  
*State Representative*

**RE:** Does a second class city have to pass their budget by ordinance? Q2) Please explain the legal difference in a motion, an ordinance and a resolution. **RESPONSE:** 1) No. 2) See opinion.

**Opinion No.: 2001-233**

Sarah Agee  
*State Representative*

**RE:** Does the conclusion reached in Op. 2001-132, which indicates that cities can enact “police power” ordinances in their growth area, conflict with the conclusion reached in Op. 99-274? **RESPONSE:** No. Op. 99-274 was discussing what is not included

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# ATTORNEY GENERAL OPINIONS

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in subdivision authority, whereas Op. 2001-132 was discussing what is included in subdivision authority.

**Opinion No.: 2001-234**

Jim Milum  
*State Representative*

**RE:** In a situation where a municipality prepares a planning area map which would include only two miles of its five-mile territorial jurisdiction, could a county plan exercise any control over the remaining three miles, or would the county plan be restricted to the unincorporated areas beyond the five miles? **RESPONSE:** The county plan could probably exercise subdivision control in the extraterritorial area not included on the map, although fact questions could possibly arise as to whether the city is exercising or has exercised its jurisdiction. See A.C.A. 14-56-417, 14-17-208, and Op. 2001-160.

**Opinion No.: 2001-237**

Sarah Agee  
*State Representative*

**RE:** Are the tax exemptions received by service stations located on the Arkansas/Oklahoma or Arkansas/Missouri borders issued in conflict with the Arkansas Constitution? **RESPONSE:** So long as the statute authorizing this differential, A.C.A. § 26-55-210, is founded upon a reasonable basis, the legislation should be deemed constitutional by a finder of fact. The Supreme Court has in the past found similar legislation reasonable and hence constitutional. Only a finder of fact can determine whether the tax as actually administered accords with the statutory requirements.

**Opinion No.: 2001-239**

Sarah S. Agee  
*State Representative*

**RE:** Does the requirement of some cities and counties to provide utility and road easements when private property is divided stem from Amend. 5 of the U.S. Constitution and art. 2, Sec. 22 of the Arkansas Constitution, thereby requiring "just compensation" to be paid? Q2) Does a city have authority to require an easement on divided private property that is outside the corporate limits? **RESPONSE:** Q1) As a general proposition, any ordinance or adjudicative determination by a county or city requiring that a developer grant utility and road easements as a condition of development certainly is susceptible of analysis under the takings clauses of U.S. Const. art. 5 and Ark. Const. art. 2, § 22. The federal law is unclear regarding what standard will apply in judging whether conditioning development on the grant of an easement will amount to a taking. However, although the ultimate determination will be one of fact that I am neither equipped nor authorized to undertake, I strongly doubt a court would characterize as a taking a city or county's conditioning development on the developer's providing reasonable road and utility easements. Q2) ACA 14—56-402 recites various circumstances under which a city can require an easement on divided property outside the corporate limits.

**Opinion No.: 2001-241**

Paul Weaver  
*State Representative*

**RE:** Does Izard County, or any other county, have authority to award a franchise for emergency medical services? **RESPONSE:** Yes, if by awarding a "franchise," the intent is to enter into an exclusive agreement with an emergency service provider. See

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Opinions 96-236, 95-311, and 67-474. (These opinions draw a distinction between emergency and non-emergency medical services; there can be noexclusive agreement for non-emergency services because of anti-trust laws).

**Opinion No.: 2001-243**

Bill Pritchard  
*State Representative*

**RE:** Should a house owned by the Beaver Water District and occupied by a Beaver Water District supervisor, but not utilized in the production of water, be entitled to the tax exemption extended to other property that is contiguous to the District's physical plant? **RESPONSE:** No. Pursuant to Ark. Const. art. 16, sec. 5, only public property used for an exclusively public purpose is entitled to a tax exemption. Using a publicly owned building as a private residence does not qualify.

**Opinion No.: 2001-250**

Chris Raff  
*Prosecuting Attorney, 17th Judicial District*

**RE:** Is it appropriate or legal under Arkansas law for fiscal year 2000 bills to be paid out of funds appropriated to the White County Sheriff's Department for fiscal year 2001? **RESPONSE:** Ark. Const. art. 14, sec. 2, as amended by Ark .const. amend. 10, prohibits paying bills incurred in one year out of revenues of a following year. See Ark. Op. Att'y Gen. Nos. 89-11, 85-221 and 85-185. However, if the carryover is properly appropriated and the disbursement properly approved by the county judge, payment of 2000 bills might be made from the 2001 carryover. Although the procedures dictated in the County Financial Management System Manual would appear to be consistent with this conclusion, I am unable to determine whether they were observed in this case.

**Opinion No.: 2001-251**

Claud V. Cash  
*State Senator*

**RE:** Q1) Are insurance companies that cover medical treatment required to cover chiropractic care at the same level of coverage? Q2) Are insurance companies that cover medical treatment required to cover alternative medical treatment, such as massage therapy and acupuncture, at the same level? Q3) Must insurance companies provide chiropractors the same opportunities to become a part of the list of approved care providers as those doctors who provide the more traditional medical treatment, including using the same procedures for determining eligibility to be placed on the company's approved provider list? **RESPONSE:** Q1) Yes, if the service performed by the chiropractor is one that could be performed by a doctor. See ACA23-79-114. Q2) No. However, such treatment may be required under the terms of a particular contract if ordered by a doctor, or under a policy issued pursuant to ACA 23-79-501. Q3) No. Although the Health Dept. regulations require HMO's to include an adequate number of providers on their lists of providers, the HMO's are entitled to choose which providers these will be.

**Opinion No.: 2001-252**

Randy Rankin  
*State Representative*

**RE:** In light of the fact that the Army Corp of Engineers has approved the practice of locking the gates at the Mississippi River levee making access to the road on the levee inaccessible to the public, are the levees considered public or private property? **RESPONSE:** Levees can be owned by private entities or by public entities. Whether access to a particular portion of the levee has been lawfully blocked will depend upon the ownership, whether easements have been granted, whether the property has been condemned to the public use, and whether a public road has been duly established on the levee.

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**Opinion No.: 2001-253**

Allen Weatherly  
*Exec Dir, AR Educational Television Network*

**RE:** Are employees of the Drug Task Force within the 7th Judicial District eligible to accrue state leave time? **RESPONSE:** No, based upon the definition of "employee" in the Uniform Attendance and Leave Policy Act (A.C.A. 21-4-201, 21-4-203). In my opinion, this refers to a regular salary position that was authorized by the General Assembly pursuant to Ark. Const. art. 16, 4. See also 21-5-207 Uniform Classification and Compensation) and 21-5-101 (Regular Salary Procedures and Restrictions). The DTF employees' positions were authorized in the grant award.

**Opinion No.: 2001-254**

Steve Napper  
*State Representative*

**RE:** Would it be proper under current Arkansas law for those who serve as justice of the peace to use the name "county commissioner" in conjunction with their title (i.e., justice of the peace/county commissioner)? **RESPONSE:** The title "county commissioner" does not exist under Arkansas law. Its use is not prohibited, but could be misleading.

**Opinion No.: 2001-259**

Mike Huckabee  
*Governor*

**RE:** In light of the provisions of Const. Amendment 80 and Act 1693 of 2001, can a person who is appointed by the Governor to fill the remainder of a district judgeship (formerly a municipal judgeship), with the appointed term ending December 31, 2004, run to succeed themselves? **RESPONSE:** No. Act 1693

and Amendment 29 are the controlling provisions and Amendment 29 prohibits an appointee from succeeding himself.

**Opinion No.: 2001-260**

Don Melton  
*Director, Arkansas State Police*

**RE:** Does the Arkansas concealed handgun licensing law (ACA 5-73-309) require that a felony conviction must be pardoned and have firearm rights restored before a concealed handgun license must be issued? Q2) If the answer to Q1 is "no," under what circumstances must the Arkansas State Police ("ASP") treat expunged/sealed felony criminal records as if they do not exist? Q3) How must the ASP treat an expunged/sealed felony record for persons whose felony records were sealed and expunged under Act 346 of 1975 before the effective date of Act 595 of 1995? Q4) How must ASP treat an expunged/sealed felony record for persons who were sentenced under Act 346 of 1975 and sentencing to place prior to the effective date of Act 595 of 1995, but whose records were not sealed and expunged until after the effective date of Act 595 of 1995? Q5) How must the ASP treat an expunged/sealed felony record for persons who were convicted and their records sealed and expunged under Act 346 of 1975 after the effective date of Act 595 of 1995? **RESPONSE:** I assume all your questions have reference to individuals sentenced under Act 346. The answers depend upon whether the sentencing took place before or after the effective date of Act 595 of 1995. If the sentencing under Act 346 was prior to that date, the individual, if he receives a later valid expungement, is not ineligible to possess a weapon and must be issued a concealed handgun permit if otherwise eligible. If sentenced under Act 346 after the effective date of Act 595, the individual is ineligible to possess a firearm even with a valid expungement, and will need a specific pardon or restoration of rights in order to get a concealed handgun license. See *State v. Ross*, 344 Ark. 364 and *State v. Warren*, (July 9, 2001). Refer to full opinion for complete discussion.

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**Opinion No.: 2001-262**

Barbara King  
*State Representative*

**RE:** Can a county administrative library board own property? **RESPONSE:** Yes. See ACA 13-2-401 and 14-14-705.

**Opinion No.: 2001-263**

Jim Hill  
*State Senator*

**RE:** Can three (3) members of a five (5) member town council, by an assenting motion and vote, actually stop the work on a sewer system project that received prior approval by the electorate? Q2) Can the town's mayor veto the action taken? Q3) Does the mayor have the authority to request additional funds through grants and loans from the USDA (for example) without bringing the question before the town council for a vote? **RESPONSE:** Q1) I assume the project in question was to be funded by bonds issued pursuant to Ark. Const. amend. 62, with the repayment to be funded at least in part by the levy of a sales and use tax pursuant to A.C.A. §§ 26-75-201 et seq. (Repl. 1997 & Supp. 2001), 26-75-301 et seq. (Repl. 1997 & Supp. 2001) and/or The Local Government Bond Act of 1985, A.C.A. § 14-164-301 et seq. (Repl. 1998 & Supp. 2001). Assuming, as you suggest, that the electorate pledged 70% of an existing sales tax to finance the project, I believe the electorate would probably need to authorize any termination of the project and reallocation of the taxes levied to support the project. If the bonds have not yet been issued, I believe the council's authority is limited to referring to the people the question of whether to abandon the project and to reallocate the pledged tax revenues to some other purpose. If the bonds have been issued, I believe neither the town council nor the electors can suspend collection of the pledged tax, which as a matter of contract law has been committed to repayment of the outstanding bonds. Moreover, again as a matter of contract law, if the trust indenture in

any way commits project revenues to repayment of the bonds, neither the town council nor the electors can suspend completion of the project and divert bond revenues elsewhere. Finally, to the extent that the people voted to pledge tax revenues to retire bonds used exclusively to finance the project, it would appear that the town council is precluded from unilaterally deciding to use the bond revenues for another purpose. However, as these speculations suggest, various contingencies might bear on the question of what actions ultimately might be permissible. Only a finder of fact can determine the propriety of what occurred in this case. Q2) In light of my response to your first question, your second question may well be moot. However, assuming it is not, A.C.A. § 14-45-105 (Repl. 1998) affords the mayor of an incorporated town a limited power to veto otherwise legitimate acts of the town council. Q3) I strongly doubt that the mayor of an incorporated town is empowered independently to negotiate and conclude a capital-improvement financing arrangement with the USDA or any other federal agency. See ACA 14-45-105(a) and 14-45-106(a).

**Opinion No.: 2001-268**

Sarah S. Agee  
*State Representative*

**RE:** Are election workers / poll workers to be considered employees or independent contractors? (Asked with regard to FICA, Workers' Compensation, etc.) **RESPONSE:** The general question regarding their status cannot be answered because it likely depends on the particular context. Regarding the withholding of FICA and federal taxes, this is governed by federal law and falls outside the ordinary scope of an opinion from this office. Regarding worker's compensation coverage, there is a good argument that they are county officials and thus the county must provide coverage under A.C.A. 14-26-101 (requiring a county to cover its officials and employees). But see Farnsworth case regarding a constable and the analysis thereunder. 39 Ark. App. 98. If they are not covered as "officials" of the county, a determination may still be required regarding "employment" under

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workers' comp laws. This will be a fact question for the Commission.

**Opinion No.: 2001-272**

Stephen D. Bright  
*State Representative*

**RE:** Pursuant to provisions of ACA 16-21-103, 16-21-113 or 16-21-115, does the prosecuting attorney have a duty to attend the Maumelle District Court or appoint a deputy to attend in his stead? Q2) If such a duty exists and the prosecutor fails to fulfill that duty, may the Maumelle District Court appoint a prosecutor pro tempore pursuant to ACA 16-21-112? **RESPONSE:** Q1) In my opinion, the answer to your first question is "no." Although A.C.A. §§ 16-21-115 and 16-21-113(d) might be read as dictating a different conclusion under certain circumstances, I believe the provisions at issue in these statutes were repealed by implication in the subsequently enacted A.C.A. § 16-21-150. Unless the prosecutor elects to pursue the prosecution, the city attorney will bear the responsibility of doing so. See Opinions 95-243, 95-235 and 2000-069. Q2) In light of my response to the first question, this question is moot.

**Opinion No.: 2001-274**

Jimmy Jeffress  
*State Senator*

**RE:** Pursuant to provisions of ACA 6-17-1202(2), may teacher's use sick leave for illnesses of their spouse, children or parents if these family members do not live in the same household as the teacher? Q2) Must "other relatives" reside in the same household in order for the teacher to utilize sick leave for their illnesses? **RESPONSE:** Q.1: Yes. Q.2: Yes. Following the rule of statutory construction involving application of qualifying phrases, qualifying words or phrases ordinarily relate only to the last antecedent. The proviso in this instance, "living in the same household," thus only modifies the words "other relatives."

**Opinion No.: 2001-275**

John T. Lowery, Jr.  
*State Representative*

**RE:** Can a public school in Arkansas cancel a lease that has been signed by a superintendent? **RESPONSE:** Not as a general matter. The principles of agency and of contracts will govern the validity of any contract entered into on behalf of the school by the superintendent. In order to cancel the contract, the school must be in a position to establish a flaw in the contract. Whether such a flaw exists will depend on the facts surrounding each contract.

**Opinion No.: 2001-277**

David Peebles  
*City Attorney*

**RE:** Is the decision of the custodian of records not to release any written report or communication regarding the administrative charges pending against three (3) West Memphis police officers until the requirements of ACA 25-19-105(c)(1) have been met, consistent with provisions of the Freedom of Information Act (FOIA)? **RESPONSE:** Yes. These are employee evaluation/job performance records, which cannot be released until there has been an administrative resolution of the charges.

**Opinion No.: 2001-283**

Marvin Steele  
*State Representative*

**RE:** Does the City of West Memphis have authority to create a Municipal Human and Civil Rights Commission as set out in the attached ordinance? **RESPONSE:** Yes, but the ordinance in question could give rise to a challenge because it purports to delegate to the commission certain powers that the city itself does not have. It also could be deemed to unlawfully

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create a judicial body, which the city does not have authority to do. Finally, it could give rise to a due process challenge on the grounds that it creates violations that are vague.

**Opinion No.: 2001-286**

John Paul Verkamp  
*State Representative*

**RE:** In light of the conclusion reached in Op. 96-063 that states that an ex-officio member of a public board “may” attend executive sessions of the public board, does this mean that an ex-officio member may be excluded from an executive session by the public board? **RESPONSE:** No, assuming the legality of the ex-officio membership. Once the ex-officio membership is established, that member’s presence is contemplated whenever the governing body meets. See also Opinion 96-062 and 95-360.

**Opinion No.: 2001-287**

Alvin Simes  
*State Senator*

**RE:** Would the attached proposed ordinance to establish a municipal human and civil rights

commission violate any Constitutional provisions if enacted? **RESPONSE:** The ordinance could give rise to challenges of unlawful delegation, unlawful creation of a judicial body, and violation of substantive due process by virtues of its vagueness.

**Opinion No.: 2001-290**

Stacey Witherell  
*Employee Service Mgr, LR Human Resources*

**RE:** Is the decision of the custodian of records not to release “copies of any and all writings, documents or data compilations of any kind regarding, reflecting or pertaining to ... employees of Public Works who have been disciplined for damaging city equipment” unless said employee has been suspended or terminated as a result the infraction, consistent with provisions of the Freedom of Information Act (FOIA)? **RESPONSE:** The decision is correct as applied to employee evaluation/job performance records. Records that constitute personnel records must be evaluated separately under the standard for the release of personnel records.

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# ADOPTED RULES AND REGULATIONS

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## APPRAISER LICENSING & CERTIFICATION BOARD

Docket No.: 151.00.01--003  
Effective Date: 10/14/01  
Contact Person: Jim Martin  
Telephone: (501) 296-1843

### Rules and Regulations

## BOARD OF ATHLETIC TRAINING

Docket No.: 191.00.01--001  
Effective Date: 10/21/01  
Contact Person: Jennifer Coleman  
Telephone: (501) 683-4076

### Revision to Rules of Providers of Athletic Training

## BOARD OF DISPENSING OPTICIANS

Docket No.: 144.00.01--001  
Effective Date: 9/27/01  
Contact Person: Jerry Himes  
Telephone: (870) 572-2847

### Test Fees \*\*\*

## BOARD OF HEARING INSTRUMENT DISPENSERS

Docket No.: 050.00.01--001  
Effective Date: 10/15/01  
Contact Person: Stewart Bell  
Telephone: (501) 663-5869

### Rules and Regulations

## BOARD OF NURSING

Docket No.: 067.00.01--001  
Effective Date: 11/30/01  
Contact Person: Melinda Thornton  
Telephone: (501) 686-2704

### Chapter 2 - Licensure: RN, LPN, LPTN; Chapter 4 - Advanced Practice Nursing; Chapter 7 - Rules of Procedure

## BOARD OF PHYSICAL THERAPY

Docket No.: 071.00.01--001  
Effective Date: 10/21/01  
Contact Person: Jennifer Coleman  
Telephone: (501) 228-7100

### Revision to Rules of Providers of Physical Therapy

## CONTRACTORS LICENSING BOARD

Docket No.: 033.00.01--002  
Effective Date: 10/7/01  
Contact Person: Gregory Crow  
Telephone: (501) 371-1504

### Rules and Regulations

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# ADOPTED RULES AND REGULATIONS

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## DEPARTMENT OF COMMERCE

*State Plant Board*

Docket No.: 003.11.01--005  
Effective Date: 10/19/01  
Contact Person: David Blackburn  
Telephone: (501) 225-1598

### **Additions to the Public Nuisance Declared List**

Docket No.: 003.11.01--006  
Effective Date: 10/19/01  
Contact Person: David Blackburn  
Telephone: (501) 225-1598

### **Imported Fire Ant Quarantine**

## EDUCATION DEPARTMENT

*Administrative Services*

Docket No.: 005.01.01--009  
Effective Date: Proposed  
Contact Person: Bobbie Davis  
Telephone: (501) 682-1297

### **PROPOSED RULE: Governing Ethical Guidelines and Prohibitions for Administrators, Employees, and Board Members**

*Office of Accountability*

Docket No.: 005.19.01--008  
Effective Date: Proposed  
Contact Person: Barbara Patty  
Telephone: (501) 682-5535

### **PROPOSED RULE: National Board for Professional Teaching Standards**

Docket No.: 005.19.01--009  
Effective Date: 10/4/01  
Contact Person: Ron Tolson  
Telephone: (501) 682-4342

### **Emergency Rule: Adding Additional Areas of Licensure and For the Probationary Route to Teacher Licensure**

Docket No.: 005.19.01--010  
Effective Date: 10/4/01  
Contact Person: Ron Tolson  
Telephone: (501) 682-4342

### **Emergency Rule: Parental Notification of an Assignment of a Non-Certified Teacher to Teach for More than Thirty (30) Consecutive Days**

## FINANCE & ADMINISTRATION

*Alcoholic Beverage Control Division*

Docket No.: 006.02.01--001  
Effective Date: 10/14/01  
Contact Person: Milton Lueken  
Telephone: (501) 682-1105

**Sections 5.56; 3.19(5); 1.79(27); 1.79(19); 1.79(32); 3.19(3); 3.19(10)A; 1.32.1; 3.19(10)B; 1.33(7) Repealed; 1.33(8); 4.17; 1.79(25); 1.19(33); 2.26(6); 1.19(27); 5.48; 5.31; 2.5.1; 1.33(6); 2.28(13)**

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# ADOPTED RULES AND REGULATIONS

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## GAME & FISH COMMISSION

Docket No.: 002.00.01--007  
Effective Date: 10/7/01  
Contact Person: James Goodhart  
Telephone: (501) 223-6327

### Approved Revisions to Bear Hunting Codes

## HIGHER EDUCATION

### *Financial Aid*

Docket No.: 008.10.01--004  
Effective Date: 10/7/01  
Contact Person: Melissa Goff  
Telephone: (501) 371-2055

### Law Enforcement Officers' Dependents Scholarship Program Rules

Docket No.: 008.10.01--005  
Effective Date: 10/7/01  
Contact Person: Melissa Goff  
Telephone: (501) 371-2055

### Academic Challenge Scholarship Program Rules and Regulations

Docket No.: 008.10.01--006  
Effective Date: 10/7/01  
Contact Person: Melissa Goff  
Telephone: (501) 371-2055

### Arkansas Governor's Scholars Program Rules and Regulations

## HUMAN SERVICES

### *Administrative Services*

Docket No.: 016.14.01--020  
Effective Date: 11/30/01  
Contact Person: Bill Tyler  
Telephone: (501) 682-9631

### DHS Policy 1017 - Emergency & Disaster Planning

Docket No.: 016.14.01--021  
Effective Date: 10/21/01  
Contact Person: Bill Tyler  
Telephone: (501) 682-9631

### Administrative Procedures Manual: Chapter 801 - DHS Hiring Services

### *Children and Family Services*

Docket No.: 016.15.01--007  
Effective Date: 10/19/01  
Contact Person: Vivian Jackson  
Telephone: (501) 682-1577

### DCFS Policy and Procedures VI-G4, and VI-I to VI-I-9, CFS-376, CFS-377, CFS-378, CFS-379, CFS-380, and CFS-592

### *County Operations*

Docket No.: 016.20.01--014  
Effective Date: 9/19/01  
Contact Person: Sandra Miller  
Telephone: (501) 682-8251

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# ADOPTED RULES AND REGULATIONS

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## **Emergency Rule: TEA Program Policy; Section 5140; Title IV-A State Plan Section 6.5.2 - Extended Support Services Transportation**

Docket No.: 016.20.01--015  
Effective Date: 10/12/01  
Contact Person: Sandra Miller  
Telephone: (501) 682-8251

## **FSC 01-10 - New Food Stamp Issuance Chart**

Docket No.: 016.20.01--016  
Effective Date: 11/1/01  
Contact Person: Sandra Miller  
Telephone: (501) 682-8251

## **MS 01-11 - Coverage for Pregnant Women with Income up to 200% FPL**

### *Developmental Disabilities Services*

Docket No.: 016.05.01--002  
Effective Date: 9/27/01  
Contact Person: Regina Davenport  
Telephone: (501) 682-8668

## **Policy 1087 - Criminal Record Checks**

### *Medical Services*

Docket No.: 016.06.01--053  
Effective Date: 9/30/01  
Contact Person: Randy Helms  
Telephone: (501) 682-1857

## **Rate Limitations Based on Medicaid Rates**

Docket No.: 016.06.01--054  
Effective Date: 11/1/01  
Contact Person: Tommy Wingard  
Telephone: (501) 682-6117

## **Minimum Direct-Care Staffing Requirements**

### **INSURANCE DEPARTMENT**

Docket No.: 054.00.01--004  
Effective Date: 10/12/01  
Contact Person: Sara Farris  
Telephone: (501) 371-2820

## **Emergency Rule: Regulation 74 - Insurance Consumer Financial and Health Information Privacy**

### **DEPARTMENT OF ARKANSAS HERITAGE**

#### *Natural and Cultural Resources Council*

Docket No.: 012.09.01--001  
Effective Date: 9/28/01  
Contact Person: Cathie Matthews  
Telephone: (501) 324-9162

## **Bylaw Amendments**

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# ADOPTED RULES AND REGULATIONS

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## RESIDENTIAL BUILDING CONTRACTORS COMMITTEE

Docket No.: 184.00.01--001  
Effective Date: 9/27/01  
Contact Person: Gregory Crow  
Telephone: (501) 371-1504

**Emergency Rule: Residential Builders  
Regulations**

## STATE MEDICAL BOARD

Docket No.: 060.00.01--005  
Effective Date: 10/20/01  
Contact Person: William Trice, III  
Telephone: (501) 372-4144

**Amendment to Regulation 16 - Adding  
Hepatitis C to HIV and Hepatitis B  
Regulation \*\*\***

## TOBACCO CONTROL BOARD

Docket No.: 175.00.01--001  
Effective Date: 10/19/01  
Contact Person: Janis Campbell  
Telephone: (501) 682-9756

**Control Board Rules and Regulations  
Promulgated Pursuant to Ark. Code  
Ann. Sec. 26-57-256**

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# INSURANCE DEPARTMENT

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**\*\*\* No Insurance Orders were filed with the *Arkansas Register* during the past filing period for placement in this edition.**

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# ORDERS AND NOTICES

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## LEGISLATIVE AUDIT October 1, 2001

<b>Agency</b>	<b>Period Covered</b>
Department of Arkansas Heritage - Arkansas Territorial Capitol Restoration Commission	6/30/00
Department of Finance and Administration - Office of Child Support Enforcement	6/30/00
State Forestry Commission	6/30/00
State Insurance Department	6/30/00
Office of the Governor	6/30/00
Governor's Mansion and Mansion Commission	6/30/00
Department of Finance and Administration - Racing Division	6/30/00
Department of Arkansas Heritage - Central Administration	6/30/00
Department of Arkansas Heritage - Delta Cultural Center	6/30/00
Department of Arkansas Heritage - Arts and Humanities Division	6/30/00
Department of Arkansas Heritage - Arkansas Commemorative Commission	6/30/00
Department of Arkansas Heritage - Arkansas Historic Preservation Program	6/30/00
Department of Arkansas Heritage - Arkansas Natural Heritage Commission	6/30/00

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# ORDERS AND NOTICES

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Department of Arkansas Heritage - Arkansas Natural and Cultural Resources Council	6/30/00
Arkansas Court of Appeals	6/30/00
State Crime Laboratory	6/30/01
Arkansas Department of Environmental Quality	6/30/00
Arkansas Geological Commission	6/30/00
State Board of Registration for Professional Geologists	6/30/00
Health Services Agency	6/30/00
Arkansas Commission on Law Enforcement Standards and Training	6/30/00
State Plant Board	6/30/00
Central Arkansas Planning and Development District, Inc. (Private)	6/30/00
Northeast Arkansas Community Mental Health Center, Inc. d/b/a Mid-South Health System, Inc. And Affiliated Entities (Private)	6/30/00
South Arkansas Regional Health Center, Inc. (Private)	6/30/00
Arkansas Student Loan Authority (Private)	6/30/01

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*Arkansas Register Division*  
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Published by:

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FROM: Secretary of State  
Arkansas Register Division  
State Capitol, Room 026  
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Presorted Standard  
U.S. Postage  
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