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

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

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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.
THE ARKANSAS REGISTER

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**RE:** Q1) Pursuant to provisions of ACA 6-51-901 to -907, are the technical institutes governed by local boards under the general responsibility of the State Board of Workforce Education and Career Opportunities (SWEO), considered "educational institutions" or "state agencies"? Q2) Are technical institutes to pass local millage or sales tax for support? Q3) Does ACA 6-51-902 require the institutes to be funded on a formula basis as approved by SWEO, or as a state agency pursuant to DF&A guidance? RESPONSE: Q1) This question cannot be answered in the abstract. Technical institutes are "state agencies" for some purposes and not for others. Cf. ACA 22-2-102 and 19-5-206. Q2) Although Am. 52 empowers the legislature to provide for the levy of local millages to support technical institutes, the legislature has not done so, nor has it authorized them to levy sales taxes. Funding is provided through appropriations and other sources. Q3) The State Board of Workforce Education may request funding pursuant to its recommended formula, but funding pursuant to this formula is not required. Both the Board and DF&A are involved in the process for the funding of these institutes.

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**RE:** Does a county have jurisdiction to override a city in the naming of city streets for purposes of implementing a 911 emergency assistance system, i.e., can Perry County rename the streets in the City of Casa under its 911 regulations, therefore requiring the City of Casa to change its current street names and signage? RESPONSE: No, in the absence of some agreement. The naming of city streets is generally a matter for the city. See A.C.A. 14-301-101 (giving the city control and supervision over its streets). The 911 statutes are silent regarding the naming of streets. Moreover, the city streets are not part of the "system of county roads" that is operated (administered) by the county judge in an executive capacity, and over which the quorum court has local legislative authority. See A.C.A. 14-114-1102 and Ark. Const. amend. 55, sec. 3. Compare Ops. 96-373, 96-373, & 96-346 (re. naming or renaming county roads). The cases of Yates v. Sturgis and Sanderson v. Texarkana are distinguishable because there is no statute involved in this instance that might implicate the county court’s jurisdiction over county roads. See Ark. Const. art. 7, sec. 28.

**RE:** Which agency or governmental entity has the authority to require property owners of homes and buildings to “hook-up” to the public sewer system when its lines are within 300 feet of the property? Q1a) If the answer is more than one entity, which entity should take such action? Q1b) Does the Health Department now have authority to act or direct the proper entity to act? Q2) Since the Community Club (a property owners association organized under ACA 14-236-109) owns two (2) of the six (6) sewage treatment plants and the lines served by those plants, should those lines and treatment plants be in the same posi-
tion and governed by the same law that governs the plants and lines of the County Facilities Board? (The Community Club manages the County Facilities Board System as well as its own.) Q3) Are the meetings of the County Facilities Board subject to the Arkansas Freedom of Information Act (FOIA)? Q4) Are the meetings of the Community Club, acting as manager of the County Facilities Board and for themselves, subject to the FOIA? RESPONSE: Q1) Nothing in the Public Facilities Boards Act of 1975, A.C.A. § 14-137-102 et seq., authorizes a facilities board to mandate hooking up to a community sewer system. Moreover, nothing in the Code expressly authorizes a county to mandate sewer hookup. Although A.C.A. § 14-14-708 does authorize the formation of a subordinate sewer service district following notice and a public hearing, only county services are covered. A facilities board is an autonomous entity not subject to county control, A.C.A. §§ 14-137-104(b) and (c), and nothing authorizes the county to mandate hook up to a private property owners’ association’s sewer lines. Although A.C.A. § 14-235-302(a) authorizes a city to mandate hooking up to a sewer line, the city can do so only for property within 300 feet of the line, A.C.A. § 14-235-304, and only to a municipal line. With respect to the Fairfield Bay Community Club, a property owners’ association’s charter documents will control whether it can direct its members to tie into its lines. With respect to potential state regulation, although the Division of Sanitarial Services of the Department of Health regulates community sewage systems in unincorporated areas and individual sewage systems throughout the state, see Arkansas Sewage Disposal Systems Act, A.C.A. § 14-236-101 et seq., I believe the state would be authorized to mandate sewer hookups throughout Fairfield Bay only if doing so were “necessary and reasonable . . . for the protection of the public health and safety,” A.C.A. § 20-7-109(a)(1). Finally, although this office avoids opining on matters of federal law, even assuming that the Corps of Engineers has preemptive power to enforce federal standards regarding effluents into Greer’s Ferry Lake, I strongly doubt that the Corps can mandate that residents tie into a particular sewage system. Local counsel should consult with federal officials on this issue. The city and county might contemplate forming a wastewater treatment district pursuant to A.C.A. § 14-250-102, et seq., enabling them to contract for services with the owners of the sewer systems and to impose mandatory service fees on residents. Fifty-one percent of property owners in unincorporated areas would have to approve the formation of such a district. A.C.A. § 14-250-106(b). Again, this is a decision for local counsel and officials. Q2) Although the facilities owned by the Community Club and Facilities Board are generally subject to governmental environmental and health regulations, the question of what requirements these entities can impose on Fairfield Bay residents can only be answered by reviewing the organization’s charter documents and any pertinent contractual commitments. Q3) Meetings of the Facilities Board must clearly be open pursuant to the Arkansas Freedom of Information Act. Q4) Meetings of the Community Club acting as “manager” of the Facilities Board must be open if the Community Club’s management activities are publicly funded, are intertwined with the Facilities Board’s public function and involve the exercise of decision-making authority normally associated with a “governing body.” A.C.A. § 25-19-106(a). With respect to the Community Club’s other meetings, these must be likewise be open if they deal with publicly funded activities serving some public purpose intertwined with that of government. A.C.A. § 25-19-106(a). Only a finder of fact can make these determinations.

Opinion No.: 2001-328

Gary Hunter
State Senator

RE: After Gateway Charter School surrendered its charter on 9/10/01 to the Department of Education, may the Department of Finance and Administration, pursuant to the appropriations contained in Act 1016, 1024, and 1691 of 2001, issue state warrants payable to the Gateway Charter School? Q2) If the answer to Q1 is “yes,” may those state warrants be used by the Ozarks Unlimited Resource Cooperative to offset debt incurred by Gateway Charter School prior to the surrender of their charter on 9/10/01? Q3) If the answer to Q1 is “yes,” and the answer to Q2 is “no,” what is the proper expense of the appropriated funds? Q4) May funds appropriated pursuant to the
listed 2001 Acts for Gateway charter School be expended for expenses of the Ozarks Unlimited Resource Cooperative, the sponsoring organization for the Gateway Charter School? RESPONSE: Disbursement of the appropriated funds would be unlawful under the circumstances because the purpose of the appropriations cannot be accomplished, Gateway having surrendered its charter, with no outstanding capital improvement debt. Thus, any warrants issued after surrender of the charter should not be redeemed, no further warrants should be issued, and no appropriated funds may be expended for expenses of the Cooperative.

Opinion No.: 2001-330

Cathryn E. Hinshaw

Exec Dir, AR Fire & Police Pension Review Board

RE: Is it possible to receive service credit under a local fire pension fund for service prior to the establishment of the pension fund? RESPONSE: Yes, as long as the member was serving at the time of creation of the fund and continued to serve thereafter. A.C.A. 24-11-818 (a) (2). See also Op. 88-299 & 92-345.

Opinion No.: 2001-335

Chaney Taylor, Jr.

State Representative

RE: Does Act 1835 of 2001 offend Amendment 14, Sec. 1 of the U. S. Constitution and art. 2, sec. 3 of the Arkansas Constitution in that it regulates the use of titles by appointed but not elected judges in judicial races? Q2 Since Amendment 80 changes certain judicial officers to nonpartisan status, does Act 1835 apply to those judges and judicial candidates covered by Amendment 80 to the Arkansas Constitution? Q3 Assuming that Act 1835 is constitutional and applicable to candidates covered by Amendment 80, to whom is the Act applicable? RESPONSE: Q1 The text of Act 1835 provides that only a sitting, elected judicial officer may use his judicial title on the ballot for a judicial election. By contrast, the Act’s title provides that only an incumbent appellate judge seeking reelection may use his judicial title on the ballot. I consider the text unambiguous and hence controlling. I further believe distinguishing between appointed and elected candidates would pass the rational basis test. The legislature may reasonably have concluded that only a full elective term of service on the bench sufficiently bears on a candidate’s qualifications to warrant disclosure on the ballot. Moreover, the legislature may simply have been attempting to preclude the potential for taking unwarranted advantage in the making of appointments, as might occur if a governor were to fill one court vacancy pursuant to Ark. amend. 29 virtually on the eve of the deadline for filing to run for another judgeship, thereby enabling a candidate with limited or no judicial experience to use the title “Judge” on the ballot. The enactment of Act 1835 avoids this possibility. Q2 I believe Act 1835 clearly applies to all judicial positions named in Amendment 80. ACA 7-7-305, which Act 1835 amends, does not apply only to primary elections. If it did, it would have been absurd for the legislature in 2001 to insert a provision dealing with judicial elections, given that the adoption on November 2000 of Ark. Const. amend. 80, §§ 17 and 18, obviated the need for all judicial primary elections. On its face, Act 1835 addresses the use of titles in “an election for a judgeship” — language that clearly includes elections for Amendment 80 judges. See Opinion 2000-177. Q3 Act 1835 applies to all judges, including those listed in Amendment 80. I doubt it applies to justices of the peace and county judges, whose judicial duties are extremely limited. I do not believe the legislature intended to allow these officials to mislead the electorate by abbreviating their titles to “Justice” and “Judge.” Moreover, to the extent the text is ambiguous on this restricted issue, I can rely on the Act’s title to conclude that the legislature intended the Act to apply only to full-time judicial officers.

Opinion No.: 2001-336

Raymond Simon

Director, AR Dept of Education

RE: Do Sections 6(e) and 7(e) of Act 1599 of 2001
exempt “employment contracts” by a public educational entity for an administrator or employee position from the Act’s disclosure requirements even “if the person seeking employment with the public educational entity is a family member of a board member or administrator of the public educational entity? Q1a) Does the “best interest” standard described in Section 5(b) of the act require the disclosure process be followed in Section 5(c) or does Section 5(c) only apply to those contracts not exempted in Sections 6(e) and 7(e) of Act 1599? Q2) Does Act 1599, specifically sections 4(a), 8, 12, and 19, provide the Department of Education (“DOE”) authority to promulgate rules and regulations establishing ethical standards and guidelines dealing with an educational entity’s expenditures for educational work-related travel, conventions, seminars, lodging and other expenses for board members, administrators and employees of the public educational entity? Q3a) Does Section 5(c)(1)(c) of Act 1599 require board members directly or indirectly interested in a proposed contract to absent themselves from the discussion and the vote on the contract issue or merely absent themselves from the vote? Q3b) Pursuant to Section 5(c)(1)(c), when a board member is required to “...leave the meeting until the voting on the issue is concluded,” is the board member actually required to physically absent himself from the location of the public meeting? Q3c) Does Act 1599 also require administrators and employees directly or indirectly interested in a proposed contract to leave the meeting during the vote process on the contract issue? RESPONSE: 1) Section 5(b) and 6(b) except the employment of family members from the requirements of 5c. 2) No, but a school district’s authority is not unlimited in this regard. 3a) From the discussion and the vote, although this issue is not entirely clear. 3b) He or she must at least step outside the room where the meeting is being held. 3c) No.

Opinion No.: 2001-337

Jerry Taylor
State Representative

RE: Would it be lawful for a municipality to autho-
ATTORNEY GENERAL OPINIONS

Opinion No.: 2001-338

Terry A. McMellon
State Representative

RE: Is it legal for the City of Waldron to charge businesses and commercial users a fee for solid waste collection after levying a countywide sales tax to be used for solid waste purposes? RESPONSE: This request is somewhat confusing in that, considered in isolation, it appears to assume that the countywide sales tax was validly enacted, whereas the material submitted in support of the request appears designed to establish that the election imposing the tax was flawed because of a misleading ballot title. If the only question is whether a city or county can charge businesses a fee for picking up solid waste even though the voters have approved a countywide sales tax to finance solid waste removal, I believe the answer is “yes,” so long as the fee is reasonable, A.C.A. § 14-232-110 (Repl. 1998), and, possibly, so long as the ballot title in the election did not reflect a contrary intention. However, if this request implicates the sufficiency of the ballot title, I must decline to answer because the Code expressly directs that such questions be directed to the chancery (now circuit) courts. A.C.A. § 26-74-209 (Repl. 1997).

Opinion No.: 2001-340

David L. Gibbons
Pros Att’y, Fifth Judicial District

RE: Q1) Are all of the items on the attached four-page list considered public records? Q2-13) How long must city police keep accident reports, offense reports, fine/bond records, incident reports, expungement orders from city police cases, parking meter records (city no longer uses parking meters), radio logs and complaint cards, pawn tickets obtained during investigations, closed city police case files, payroll sheets, time cards, leave requests and other employment records be kept? Q14) Would destruction of the documents on the attached list constitute a violation of the Freedom of Information Act (FOIA) if there was no stored reproduction of any kind? Q15) Would concerns of storage space be enough of a justification to dismiss an FOIA suit that was filed because the requested records were destroyed prior the FOIA request? Q16) If destruction of the records is allowed, is there a particular procedure to be followed when destroying them? Q17) Are there any other laws that would apply to the retention or destruction of the documents on the attached list? Q18) Is there any type of ten-year retention rule that requires police departments to keep records for the 10-year period and allows destruction of the records after the 10 years has run? RESPONSE: Q1) These records all appear to be “public records,” within the meaning of the FOIA. Q2-13, excluding Q10) State law makes clear that these records can be destroyed if copies in some form are retained. It does not authorize destruction of both the original and all copies, and therefore, by implication, seems to require that copies be kept. Q10 is about pawn tickets, which are seized property rather than documents, and must be governed by ACA 5-5-101. Q14) Only if the documents were destroyed after an FOIA request had been made. See also ACA 5-54-121. Q15) The FOIA is not a records retention law. Litigation would not arise out of the FOIA. Q16) State law does not address this issue. Q17) See previous questions. Q18) No.

Opinion No.: 2001-342

Tom Allen
Chair, Homes Inspector Advisory Board

RE: Is it consistent with the legislation enabling the activities of the Homes Inspector Advisory Board to require an applicant for registration to supply for review copies of inspection reports the applicant has conducted in the past? Q2) Is it against “client privileges” or is there any law which would prohibit an applicant from supplying copies of inspection reports for review by the Board? Q3) If there are no prohibitions other than the code of ethics, would it be reasonable and appropriate for the Board to withhold a recommendation that an applicant not be registered based on the applicant refusing/failing to provide the requested reports for review? RESPONSE: Q1) No.
Nothing in the Arkansas Home Inspectors Registration Act, 7 C.C.A. § 17-52-101 et seq. (Supp. 2001) authorizes the Board to establish anything more than the fact of inspections. Q2) no Arkansas law expressly requires an applicant, as opposed to a registered inspector, to observe the referenced ethical codes. However, I believe that a registered inspector who supervised an applicant pursuant to A.C.A. § 17-52-103(a)(3)(B) would be obligated pursuant to A.C.A. § 17-52-202(c) to maintain the confidentiality of inspection reports produced by the applicant under his supervision. Moreover, a candidate who conducted inspections out-of-state and who seeks registration pursuant to A.C.A. § 17-52-103(a)(3)(D) may be precluded from disclosing reports by that other state’s laws. In addition, an applicant might be precluded from disclosing inspection reports by the ethical standards of some professional organization to which he belongs or by the terms of the contract with his client.

Q3) I do not believe it would be reasonable or appropriate for the Board to withhold a recommendation that a candidate be registered simply because the candidate observed an applicable ethical proscription.

**Opinion No.: 2001-347**

George French  
*State Representative*

RE: Q1) Does an employee of the Arkansas Assessment Coordination Division have authority to perform private fee appraisals, presumably on his own time? Q2) Would this practice be considered a conflict of interest? RESPONSE: Q1) This practice is not strictly prohibited by law, but could raise ethical questions under ACA 21-8-304. Q2) This practice could implicate the common law doctrine of conflict of interest, although, again, the practice is not strictly prohibited by law.

**Opinion No.: 2001-353**

Sarah S. Agee  
*State Representative*

RE: Should the City of Lincoln, Arkansas have established a police court in 1997 instead of a city court when it became a city of the first class? Q2) Since Lincoln did not establish a police court in 1997 when it became a city of the first class, does the city have to revert to the second class city form of government in order to keep its city court? Q3) Does Lincoln have the option to remain a city of the first class and retain its city court? Q4) Does Amendment 80 of 2001 change this option? Q5) Can Lincoln maintain its city court by passing a new city ordinance? RESPONSE: 1) No. 2) No. 3) Yes. 4) No, so long as the city court was validly in existence in July 2001. 5) A new ordinance is not necessary.

**Opinion No.: 2001-354**

Janet M. Welsh  
*Exec Secretary, AR Board of Examiners in*

RE: Is there any statute, regulation, case law, or AG's opinion that provides immunity to a mental health...
ATTORNEY GENERAL OPINIONS

provider in Arkansas who withholds safety-related information from the legal guardian of a minor patient? RESPONSE: Under several sources of law, withholding such information is not only permissible, but is normally required. See ACA 17-97-105, Rules 1.6 and 1.4, Model Rules of Professional Conduct (for lawyers), Rules 502 and 503, Rules of Evidence, ACA 17-97-310, Rules and Regulations of the Ark. Bd. of Examiners in Psychology, and Standards 5.02, 5.03, 5.05 of the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Assoc.

Opinion No.: 2001-358

Barry Emigh

RE: Request for certification of popular name and ballot title of proposed constitutional amendment to authorized bingo and raffles by nonprofit organizations, establish a state lottery and allow the operation of casino gambling. RESPONSE: Rejected due to ambiguities in the text.

Opinion No.: 2001-362

Jake Files
State Representative

RE: Is someone who has properly attained an assignment of judgment from a plaintiff and then attempts to recover the judgment, exempt from state law governing the operation and licensing of collection agencies? RESPONSE: I am unable to answer this question because it is in litigation.

Opinion No.: 2001-364

John E. Brown
State Senator

RE: Q1) Can the Northwest Regional Airport Au-

thority use the tax and/or revenue it collects to pay for 32 people to have dinner at a cost of $125 per person? Q2) Is the Bentonville/Bella Vista Chamber of Commerce (a nonprofit organization) subject to the Freedom of Information Act (FOIA) relating to the tax dollars given to it by the City of Bentonville? RESPONSE: Q1) This use of tax or public revenues appears to violate ACA 14-362-122 (use of surplus funds), Ark. Const. Art. 16, 13 (illegal exaction), and Ark. Const. Art. 16, 11 (diversion of tax funds to different purpose). Q2) Yes, to the extent of matters related to its contract with the city.

Opinion No.: 2001-369

Carol Billings
City Attorney

RE: Is the decision of the custodian of records to release the internal investigation, discipline and other records relating to a city police officer’s suspension consistent with provisions of the Freedom of Information Act (FOIA)? RESPONSE: The decision to release the records is generally consistent with the FOIA. Any discrete items of exempt information contained in the records (e.g., SS numbers) should be redacted before they are released.

Opinion No.: 2001-370

Preston Scroggin
State Representative

RE: May the Faulkner County Conservation District mortgage property as collateral in order to obtain a loan to be used to construct a building that would serve as a service center for USDA offices? RESPONSE: ACA 14-125-303(a)(8)(E), part of the Conservation District Law, ACA 14-125-101 et seq., expressly authorizes soil and conservation districts to borrow money subject to a mortgage. ACA sections 14-125-801 and -802 provide that any such borrowing must be approved by the chancery (now circuit) court following a public hearing based upon the court’s
determination of what is “in the best interest of the owners of the land.” Given that this matter will thus necessarily be the subject of litigation, I must respectfully decline to render an opinion.

Opinion No.: 2001-371

Miriam (Peggy) Hays

Sponsor, Animal Cruelty Initiative

RE: Request for certification of popular name and ballot title of a proposed initiated measure to establish the criminal offense of aggravated cruelty to animals. RESPONSE: Popular name and ballot title rejected due to ambiguities in the text of the proposed measure.

Opinion No.: 2001-372

Pat Bond

State Representative

RE: If a police officer is covered by the provisions of ACA 24-11-432, which provide an enhanced retirement benefit for certain law enforcement officers, is that officer entitled to the enhanced benefit for service performed while participating in the DROP program? RESPONSE: No. DROP participants cannot accrue further years of credited service for time served during DROP participation. Their enhanced benefits must be calculated on the basis of their years of service prior to participating in DROP. ACA 24-11-432.

Opinion No.: 2001-377

Dwight Fite

State Representative

RE: Are municipal police authorized to remove keys, and leave a note of doing so, from an automobile that has been parked in a public area, without reasonable cause for suspicion of wrongdoing? RESPONSE: State law does not address this issue.

However, it is my opinion that cities have the authority under state law to enact ordinances empowering their police officers to take such action if they do so for the purpose of protecting the car on behalf of a citizen. A.C.A. §§ 14-52-101, -102.

Opinion No.: 2001-378

Travis J. Morrissey

Hurst Law Firm for Dog Hunters of Ark.

RE: Request for certification of ballot title of proposed measure to amend Ark. Const. Amend 35 to provide for the election of members of the Arkansas Game & Fish Commission by popular vote, and for other purposes. RESPONSE: No popular name submitted. Ballot title rejected due to ambiguities in the text of the proposed measure.

Opinion No.: 2001-379

Travis J. Morrissey

Hurst Law Firm for Dog Hunters of Ark.

RE: Request for certification of the ballot title of a measure initiated to amend Ark. Const. Amend 75 for the purpose of changing the name of the environmental enhancement funds, to change the purpose for which the funds are to be used, and for other purposes. RESPONSE: No popular name submitted. Ballot title rejected due to ambiguities in the text of the proposed measure.

Opinion No.: 2001-380

Barry L. Emigh

RE: Request for certification of popular name and ballot title of proposed constitutional amendment to authorize bingo and raffles by nonprofit organizations, allow the operation of gambling and a state lottery. RESPONSE: Popular name and ballot title rejected due to ambiguities in the text of the proposed measure.
**ARKANSAS TITLE INSURANCE AGENTS LICENSING BOARD**

Docket No.: 193.00.01--001  
Effective Date: 12/30/01  
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**BOARD OF OPTOMETRY**

Docket No.: 069.00.02--001  
Effective Date: 1/24/02  
Contact Person: Howard Flippin  
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**Regulation Article VI - Section 1(p) -- Regulation Written Prescriptions**

**BOARD OF PRIVATE CAREER EDUCATION**

Docket No.: 142.00.01--001  
Effective Date: 12/21/01  
Contact Person: Brenda Germann  
Telephone: (501) 683-8000

**Emergency Rule: Traveling School License & Real Estate Distance Education**

**BOARD OF PUBLIC ACCOUNTANCY**

Docket No.: 019.00.01--002  
Effective Date: 12/29/01  
Contact Person: J. E. George  
Telephone: (501) 682-5533

**Rule 3.6 - Number of Sittings, Passing Grade and Granting of Credit, Effective Dates, Release of Grades and Completion of Examination**

Docket No.: 019.00.01--003  
Effective Date: 12/29/01  
Contact Person: J. E. George  
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**Rule 13 - Continuing Education**

Docket No.: 019.00.01--004  
Effective Date: 12/29/01  
Contact Person: J. E. George  
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**Rule 11.11 - Publication of Disciplinary / Administrative Sanctions**

Docket No.: 183.00.01--001  
Effective Date: 12/29/01  
Contact Person: Susan Mebane  
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**CRIME INFORMATION CENTER**

Docket No.: 183.00.01--001  
Effective Date: 12/29/01  
Contact Person: Susan Mebane  
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ADOPTED RULES AND REGULATIONS

System Regulation Amendment

DEPARTMENT OF ARKANSAS HERITAGE
National Heritage Commission

Docket No.: 012.04.02--001
Effective Date: 1/25/02
Contact Person: Jane Jones-Schulz
Telephone: (501) 324-9159

New and Amended Rules and Regulations

DEPARTMENT OF COMMERCE
Arkansas Securities Department

Docket No.: 003.14.01--002
Effective Date: 12/30/01
Contact Person: John Moore, Jr.
Telephone: (501) 324-8686

Amendments to Rule 302.02 - Investment Adviser

State Bank Department

Docket No.: 003.02.02--001
Effective Date: 1/14/02
Contact Person: Candace Franks
Telephone: (501) 324-9019

County or Regional Industrial Development Corporations

Docket No.: 003.02.02--002
Effective Date: 1/14/02
Contact Person: Candace Franks
Telephone: (501) 324-9019

Bank Fictitious Names

EDUCATION DEPARTMENT
Office of Accountability

Docket No.: 005.19.01--016
Effective Date: 12/28/01
Contact Person: Barbara Patty
Telephone: (501) 682-1146

ADE 134 -- Eligibility and Financial Incentives for National Board for Professional Teaching Standards

Docket No.: 005.19.01--017
Effective Date: PROPOSED
Contact Person: Ron Tolson
Telephone: (501) 682-4342

PROPOSED RULE: Governing the Assignment of a Non-Certified Teacher to Teach a Class for Longer than Thirty Consecutive Days and for Granting Waivers ***

GAME & FISH COMMISSION

Docket No.: 002.00.01--010
Effective Date: 1/9/02
Contact Person: James Goodhart
Telephone: (501) 223-6327
ADOPTED RULES AND REGULATIONS

Paddlefish, Sturgeon, Bowfin Management and Harvest Plan; Choctaw Island WMA Closure; Revision to Code Section 01.00D - Confiscation and Seizure

HEALTH DEPARTMENT
Engineering

Docket No.: 007.18.01--001
Effective Date: 1/1/02
Contact Person: Harold Seifert
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Revisions to the Rules & Regulations Pertaining to Public Water Systems

HUMAN SERVICES
Administrative Services

Docket No.: 016.14.02--001
Effective Date: 1/15/02
Contact Person: Bill Tyler
Telephone: (501) 682-9631

DHS Policy 1100 - Disposal of Surplus Computer Equipment

Children and Family Services

Docket No.: 016.15.02--001
Effective Date: 1/18/02
Contact Person: Vivian Jackson
Telephone: (501) 682-1577


County Operations

Docket No.: 016.20.01--020
Effective Date: 12/27/01
Contact Person: Sandra Miller
Telephone: (501) 682-8251

State Plan for Title IV-A of the Social Security Act: Temporary Assistance to Needy Families -- Transitional Employment Assistance Program

Docket No.: 016.20.01--021
Effective Date: 12/20/01
Contact Person: Sandra Miller
Telephone: (501) 682-8251

Emergency Rule: TEA Policy Sections 3415-3416.1 and 5130-5145 and related forms; Title IV-A State Plan Section 6.5.1 and 6.5.2, Form DCO-177

Medical Services

Docket No.: 016.06.01--069
Effective Date: 12/31/01
Contact Person: Randy Helms
Telephone: (501) 682-1857

Cost Reimbursement Manual Revisions for Arkansas Health Center Name Change; Property and Equipment Rules
ADOPTED RULES AND REGULATIONS

Docket No.: 016.06.02--001  
Effective Date: 2/1/02  
Contact Person: Carolyn Bradley  
Telephone: (501) 682-8577

Pharmacy Update Transmittal #55

Docket No.: 016.06.02--002  
Effective Date: 2/1/02  
Contact Person: Binnie Alberius  
Telephone: (501) 682-8361

State Plan Transmittal #2001-030

Docket No.: 016.06.02--003  
Effective Date: 3/1/02  
Contact Person: Suzette Bridges  
Telephone: (501) 683-4120

Section I - All Medicaid Providers

INSURANCE DEPARTMENT

Docket No.: 054.00.01--006  
Effective Date: PROPOSED  
Contact Person: Rick Halinski  
Telephone: (501) 371-2836

PROPOSED RULE: Regulation #73

Docket No.: 054.00.01--007  
Effective Date: PROPOSED  
Contact Person: Rick Halinski  
Telephone: (501) 371-2836

PROPOSED RULE: Regulation #75

Docket No.: 054.00.01--008  
Effective Date: 1/10/02  
Contact Person: Ashley Fisher  
Telephone: (501) 371-2820

Regulation #42 - To Prevent Unfair Discrimination in Reference to HIV

LABOR DEPARTMENT

Board of Electrical Examiners

Docket No.: 010.13.01--003  
Effective Date: 12/31/01  
Contact Person: Reece Stewart  
Telephone: (501) 682-4547

Regulation 6.2 - Applicant for Journeyman Electrician License

OIL & GAS COMMISSION

Docket No.: 178.00.01--001  
Effective Date: 12/31/01  
Contact Person: Reece Stewart  
Telephone: (501) 682-4547

Rule C-5 - Oil Assessment;  Rule D-14 - Gas Assessment

POLLUTION CONTROL & ECOLOGY

Hazardous Waste

Docket No.: 014.09.02--001  
Effective Date: 1/19/02  
Contact Person: Mike Bates  
Telephone: (501) 682-0831
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<td>Effective Date: 1/6/02</td>
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<tr>
<td>Contact Person: Michael O’Malley</td>
<td>Contact Person: Peggy Cryer</td>
</tr>
<tr>
<td>Telephone: (501) 682-7890</td>
<td>Telephone: (501) 296-1802</td>
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<td>Contact Person: Laurel Mills</td>
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<td>Telephone: (501) 296-1802</td>
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INSURANCE DEPARTMENT

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

### LEGISLATIVE AUDIT

**January 2, 2002**

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ORDERS AND NOTICES

University of Central Arkansas 6/30/01
University of Arkansas Community College at Batesville 6/30/01
University of Arkansas System 6/30/01
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University of Arkansas - Fayetteville 6/30/01
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University of Arkansas - Pine Bluff 6/30/01
University of Arkansas Community College at Hope 6/30/01
Phillips Community College of the University of Arkansas 6/30/01
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