

The Arkansas Register



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Charlie Daniels

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THE ARKANSAS REGISTER

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ATTORNEY GENERAL OPINIONS

Opinion No.: 2004-036

Bradford, Jay
State Representative

RE: On December 8, 2003, numerous public school district owned vehicles with public school students and other citizens as passengers attended a political rally sponsored by an organization called "Save Our Schools." Is this a legal use of school district vehicles and other school district assets, such as fuel and district paid drivers? **ANSWER:** This requires factual determinations outside the scope of an opinion. The question is whether such a school sponsored political lobbying effort, if that is in fact what occurred, would be deemed reasonably useful and proper in the educational process, so as to survive challenge under Ark. Const. article 14. See Op. 99-348. See also generally Op. 93-326. There is no definitive answer to this question under existing Arkansas law.

Opinion No.: 2004-048

Thomas, Lindbergh
State Representative

RE: Does the Lincoln County Quorum Court have authority to enact this ordinance amending the County Employment Policy regarding attendance and timekeeping? Q2) If a time clock is made mandatory, shouldn't the county clerk as payroll clerk be required to compute and pay hourly wages instead of semi-monthly wages? Q3) Wouldn't time sheets signed by the employee and employer be acceptable documentation to the Labor Board of hours worked? Q4) Since law enforcement officers are excluded from this ordinance, does being deputized eliminate an employee from using a time clock? **ANSWER:** Q1) The ordinance falls within the quorum court's general authority to promulgate regulations dealing with employee policies and practices, assuming there is no conflict with an elected officer's day-to-day administration of his office. See generally A.C.A. 14-14-805 (2 and Op. 2000-151). There may be a question regarding the exception for law enforcement officers, since generally employee policy and practices

ordinarily must be uniform in application. Q2) No. The ordinance does not address pay periods. But see Fair Labor Standards Act. Q3) As long as the documentation requirements under the FLSA are met, the county may establish separate, and perhaps requirements, pursuant to its local legislative authority. Q4) Possibly, but note the potential problem with the exception for law enforcement officers.

Opinion No.: 2004-050

Lamoureux, Michael
State Representative

RE: What oversight does the mayor of a city of the first class have over other elected officials of the city? Q2) Does the mayor have the ability to set office hours of other elected officials, set the office locations of other elected officials, deny expenditures from the budget of other elected officials, or have control over the day-to-day operations of other elected officials' offices? **RESPONSE:** Q1) A mayor of a city of the first class having a mayor-council, as opposed to a city manager or city administrator form of government, may have some statutory oversight over other elected officials, but only in addressing allegations of misconduct in office. A.C.A. § 14-43-504(b)(1). However, the scope of this statute is unclear and it has not been interpreted as granting oversight authority over other elected officers since its enactment in 1875. Q2) Unless the governing council dictates otherwise with respect to activities subject to its control, I believe the answer is "no." I will note, however, that the mayor of a city of the first class having a mayor-council form of government does have the authority to propose a city budget for the city council's approval.

Opinion No.: 2004-055

Laverty, Randy
State Senator

RE: Can Searcy County deed property to the

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Searcy County Industrial Development Corporation without the property being valued by the assessor, advertised and sold at public auction? **RESPONSE:** If by “deed this property” you mean “donate,” I believe the answer to this question is clearly “no.” Ark. Const. art. 12, § 5. By contrast, if you contemplate a sale for adequate consideration, three possibilities exist. First, if the Searcy County Industrial Development Corporation qualifies as a “quasi-public” organization, and further if the county properly “dedicates” the property “for the benefit of” that “quasi-public” organization — a condition that in all likelihood means that the property must be pledged to the “quasi-public” purpose that organization serves — I believe the county could convey the property to the county without conducting a public sale of the sort described in your question. A.C.A. § 14-16-107. Although the consideration for the conveyance would still need to be adequate to pass constitutional muster, I believe under these circumstances “public advantage” might constitute a significant, if not necessarily exclusive, element of consideration. Alternatively, if the county judge deems the property to be “surplus” the county may sell the property to the highest bidder at public auction following notice of the sale by publication. A.C.A. § 14-16-106. I interpret the statute just cited as requiring the sale to be for monetary consideration. Finally, if the facts preclude either of the alternatives summarized above, I believe the property may be sold only by sealed bid following an appraisal and public advertisement, and only then if the highest bid is at least $\frac{3}{4}$ of the property’s appraised value. A.C.A. § 14-16-105.

Opinion No.: **2004-064**

Scroggin, Preston
State Representative

RE: Regarding Act 1786 of 2003, the Library Media Services Act, (A.C.A. 6-25-101 - 106) can you define what specific duties can be performed during the two hours designated as administrative time? Q2) Can the Media Services Specialist or Librarian check out books to kids at that time or will an aid need to be hired? **ANSWER:** Q1) I cannot define the specific duties, in the absence of a legislative definition of

“administrative tasks.” The act sets forth an illustrative list, and refers to the tasks as “management duties.” Q2) Checking out books on an irregular, as-needed basis is reasonably included in the minimum two (2) hours allotted to the job function of “information specialist.” See 6-25-103 (one-third of the time translates to two hours, based on a six (6) hours school day (6-16-102)). However, the limitation regarding “elementary class sessions” must be noted. It may also be necessary to consider any relevant personnel policies. See generally 6-17-201 et seq.

Opinion No.: **2004-068**

Jones, Steven B.
State Representative

RE: If someone faxes in a legal document to the county clerk’s office and they have ten days to send in the original, does the clerk have to keep the faxed copy on file after receiving the original? **ANSWER:** The question presumably applies to a statement of financial interest that must be filed with the county clerk pursuant to A.C.A. 21-8-701. The statement is timely filed if the clerk receives it via facsimile by the due date, and if the clerk receives the original within ten (10) days of the fax transmission. See 21-8-703 (b) (3). There is no controlling authority on the retention or disposition of the faxed copy. The original must be maintained for five (5) years under A.C.A. 13-4-306 (regarding “financial disclosure”), unless it has been reproduced. See 13-4-301 (b). But fax transmissions are not covered by these provisions. In the absence of clear authority to dispose of the faxed copy, some form of the document should be maintained, particularly in light of the filing requirements. Guidance from the Arkansas Ethics Commission may be indicated.

Opinion No.: **2004-070**

Jones, Steven B.
State Representative

RE: Q1) Can a driver for a city fire department run

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for city council? Q2) If elected, can that individual serve on the city's fire commission? RESPONSE: Q1) The answer depends on various factual matters, including whether the department is a "volunteer fire department" and the nature of the driver's position with the fire department. ACA 14-42-115, which specifically authorizes such an arrangement could be applicable if the department is "volunteer" and the driver is a fire fighter who is not salaried but receives a small amount of pay. However, if the department is not volunteer and the driver is a city employee, the arrangement will be prohibited by the doctrine of incompatibility.

Opinion No.: 2004-071

Blair, Buddy
State Representative

RE: Are police departments and sheriff's offices required to retain juvenile offense and arrest reports even if no prosecution is commenced? Q2) Must juvenile offense and arrest reports be retained for any particular period of time and, if so, what period of time? Q3) Must juvenile offense and arrest reports be physically destroyed upon expiration of the period they are required to be retained? Q4) If these records must be destroyed, must offense and arrest reports which list both adult and juvenile suspects have the juvenile names redacted? Q5) Must offense and arrest reports be maintained in an electronic rather than hard copy? Q1) Yes, subject to the following qualifications: (1) the records may be reproduced and the originals archived or destroyed at the behest of the department head and with the county court's or the mayor's approval; and (2) municipal juvenile offense reports and, I believe, any copies thereof may be destroyed after three years. A.C.A §§ 14-2-201 through -204 (Supp. 2003). The second of these conditions does not appear to apply to juvenile offense reports maintained by a sheriff's department. Q2) The required period vary as to police department and sheriff's office records. See opinion. Q3) The only provision of the Code mandating the destruction of some juvenile records is A.C.A § 9-27-309(b) (Supp. 2003), which

provides for the expungement by destruction of certain juvenile records upon court order. It is unclear whether this statute applies to law enforcement agency records or only to court records. Q4) Although I am unaware of any statute or pronouncement in the case law that directly addresses this question, I believe that if the records relating to a juvenile "may be destroyed" — i.e., destroyed or retained at the law enforcement agency's discretion — nothing would preclude authorities from redacting the juvenile's name from a report that contains information the authorities are obliged to retain relating to an alleged adult offender. Furthermore, assuming authorities might be obliged by court order to destroy certain records pursuant to A.C.A § 9-27-309, I believe that so long as the juvenile cannot be identified from a redacted report, that record will have effectively been destroyed with respect to him or her. Q5) The permissible forms of reproducing such records are set forth in A.C.A § 14-2-201(a). The circumstances under which one may dispense with a hard copy in favor of a reproduction are set forth in my response to question 1.

Opinion No.: 2004-073

Hutchinson, Jeremy
State Representative

RE: Can anything force the Paron School District to consolidate in the future? RESPONSE: Act 60 of the Second Extraordinary Session of 2003 created a new subchapter of the Code, A.C.A. § 6-13-1602 et seq., that deals, inter alia, with the administrative consolidation of school districts. The Paron School District falls within the parameters for consolidation under the terms of Act 60. The question of the district's consolidation is consequently currently under consideration by a state administrative board. I must accordingly decline to address your question in light of this office's long-standing policy against issuing opinions on matters that are the subject of pending litigation. This policy has consistently been applied to matters pending before administrative agencies as well as before the courts.

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Opinion No.: **2004-076**

Daniels, Charlie
Secretary of State

RE: Request to fix and declare the popular name for the referred measure in Act 89 of the 2nd Extraordinary Session of 2003. Q2) Should the Secretary of State publish notice of the election called for in Act 89 as a referred measure or a constitutional amendment? Q3) With regard to Act 89, what text must be published to meet the complete text publication requirement set out in A.C.A. 7-9-113? **RESPONSE:** 1) Popular name fixed and declared; 2) although the issue is not free from doubt, the measure is not in my opinion a constitutional amendment, therefore, the lesser publication requirements apply; 3) Again, the issue is not clear, but in my opinion the text of the newly added Code section 26-80-208 should be published

Opinion No.: **2004-078**

Daniels, Charlie
Secretary of State

RE: What will be the effective date of legislation that did not carry an emergency clause or specified effective date that was passed by the 84th General Assembly during the First Extraordinary Session, which adjourned sine die on May 9, 2003? **RESPONSE:** There were no such acts, each contained an emergency clause.

Opinion No.: **2004-079**

Ledbetter, Sam
State Representative

RE: Request to reconsider the conclusion reached in Op. 2003-303 regarding the payment of mileage expenses for public defenders by the Arkansas Public

Defender Commission. **RESPONSE:** Although I continue to believe it would be consistent with the legislature's statement of intent to read the subchapter's sole reference to "travel" in A.C.A. § 16-87-212 broadly, including the travel of all individuals associated with a public defender's office in the defense of indigents, I recognize that the legislative history and the Arkansas Public Defender Commission's interpretation of this statute leaves the matter in doubt. I am consequently inclined to qualify my previous opinion by acknowledging that the scope of the term "travel" as used in A.C.A. § 16-87-212 is uncertain. Legislative clarification appears warranted.

Opinion No.: **2004-083**

Hickinbotham, Boyd
State Representative

RE: Request for clarification of Op. Att'y Gen. 2003-122. Does the phrase "realty owners", as it is used in A.C.A. 14-92-237(c), mean all record property owners or all residents of an improvement district? **RESPONSE:** It means the holders of title to property in the district. However, record property owners can by vote dissolve an improvement district only if the district was created after March 16, 1981. ACA 14-92-202(a).

Opinion No.: **2004-084**

Thomas, Lindbergh
State Representative

RE: Do provisions of A.C.A. 14-121-805 require a railroad, that has otherwise constructed a railroad bridge, to widen and/or make improvements to said bridge to accommodate improvements to a drainage ditch running under the bridge, at the railroad's expense? **RESPONSE:** Yes, as the law currently stands. Challenges based on constitutional arguments would face a heavy burden.

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Opinion No.: 2004-085

Hall, John Wesley, Jr.
Attorney at Law

RE: Request for certification of the popular name and ballot title of a proposed constitutional amendment to allow the medical use of marijuana and for other purposes. **RESPONSE:** Popular name and ballot title rejected due to ambiguities in the text of the proposed measure.

Opinion No.: 2004-086

Martin, Harold G.

RE: Request for certification of the popular name and ballot title of a proposed constitutional amendment authorizing bingo and raffles by nonprofit organizations, authorizing the General Assembly to operate lotteries, authorizing for-profit gambling as specified, and for other purposes. **RESPONSE:** Popular name and ballot title rejected due to ambiguities in the text of the proposed measure.

Opinion No.: 2004-087

Emigh, Barry L

RE: Request for certification of the popular name and ballot title for a proposed constitutional amendment authorizing the marriage of any two individuals regardless of sex, race, or religion, denying a divorced individual with a minor child the right to remarry, and foreclosing the distribution of birth control in Arkansas. **RESPONSE:** Popular name and ballot title rejected due to ambiguities in the text of the proposed amendment.

Opinion No.: 2004-088

Norris, Larry
Director, Arkansas Dept of Corrections

RE: Do provisions of Act 548 of 1985 authorize a Circuit Court Judge (Juvenile Division) to direct that a juvenile attend a full-day Arkansas Department of Correction tour if that juvenile has not been tried as an adult and convicted of a felony? **RESPONSE:** Decline to answer because the question invites me to question the propriety of the courts' sentencing determinations in the two orders attached to the request.

Opinion No.: 2004-090

Larkowski, Jerry
Chair, Pulaski County Election

RE: Q1) Under A.C.A. 7-7-304, in printing ballots for the primary election, must each unopposed candidate appear separately with a place in which the voter may cast a vote for each unopposed candidate so that the votes may be separately counted and tabulated; or Q2) may the names of all unopposed candidates be grouped together on the ballot indicating the office and the name of the unopposed candidate in a single column as in A.C.A. 7-5-208(f)92)(A)? **RESPONSE:** 1) No. 2) Yes.

Opinion No.: 2004-091

Dickinson, Tommy
State Representative

RE: Would it be legal for the American Legion Baseball Commission to raise funds for their program by selling 200 tickets at \$100 each and awarding the lucky ticket holder a \$7,500 cash prize? **RESPONSE:** The proposed fundraising program would be unlawful.

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Opinion No.: 2004-092

Broadway, Shane
State Senator

RE: If a property owner has suffered damage to their [sic] home due to the negligence of a municipal waste water utility facility, does such facility possess immunity from a civil action instituted by the property owner in a state or federal court? Q2) If the answer to the above question is "yes," is there another forum, such as the State Claims Commission, that has the authority to hear such an action? **RESPONSE:** Q1) The aggrieved property owner could only pursue a claim for negligence in state court, and only then if the city carried liability insurance. A.C.A. § 21-9-301. Q2) No. The State Claims Commission is only authorized to hear claims against the state and its agencies, not against municipalities or their agencies. A.C.A § 19-10-204(a). No other forum exists to hear such a claim.

Opinion No.: 2004-093

Evans, Judy

RE: Request for certification of popular name and ballot title of a proposed constitutional amendment to repeal Arkansas Const. art. 19, sec. 14, which prohibits lotteries and raffles, and for other purposes. **RESPONSE:** Submission returned to sponsor due to insufficient.

Opinion No.: 2004-094

Trusty, Sharon
State Senator

RE: Q1) Are individuals who retired before A.C.A. 24-12-129 became effective eligible to participate in Russellville's current health care plan? Q2) If the answer to Q1 is "yes," may the city deny these retirees the opportunity to participate in that plan?

RESPONSE: If the individuals in question retired before the effective date of the original version of ACA 24-12-129 (July 28, 1995), they are not eligible to participate, because their participation would require an impermissible retroactive application of the statute.

Opinion No.: 2004-096

Wood, Jeff
State Representative

RE: Q1) Under ACA 25-1-102(b), what is meant by the phrase "[t]he policy shall take into consideration the rights of both nonsmokers and smokers"? Q2) What rights of nonsmokers are recognized? Q3) What rights of smokers are recognized? Q4) Could a state university or state agency implement a campus wide non-smoking policy that prohibited smoking anywhere on the campus? **RESPONSE:** I cannot answer these questions because the language of the statute does not indicate its intended meaning. Pending judicial or legislative clarification, agencies must use their best judgment in interpreting this statute, guided by the principle that their decisions will be upheld unless clearly wrong.

Opinion No.: 2004-098

Johnson, Bob
State Senator

RE: Can certain agricultural products such as bull semen, cattle insemination supplies, artificial insemination supplies and equipment and liquid nitrogen, be included in the categories of products that are outlined under ACA 26-52-405? Q2) If so, are these chemicals and products that are used in agricultural production considered exempt from the Arkansas gross receipts tax under the Arkansas Gross Receipts Act? **RESPONSE:** Decline to answer because only the Department of Finance and Administration opines on such tax questions.

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Opinion No.: 2004-099

Womack, Shawn
State Senator

RE: Is it a violation of any Arkansas law to drive a vehicle, specifically a limousine, that comes equipped with blue side marker or coach lights that are mounted on the roof pillars on the side of the vehicle between the side windows? **RESPONSE:** Yes. See ACA 27-36-301 and -303; ACA 27-49-219.

Opinion No.: 2004-100

Seawel, Harmon R.
State Representative

RE: Are the funds raised by contributions and fundraisers and kept in a bank account maintained by the Hardy Volunteer Fire Department under the control of the city? Q2) Are these funds subject to audit? **RESPONSE:** Both questions will depend upon a number of factors concerning the solicitation, maintenance and disbursement of the funds.

Opinion No.: 2004-102

McCune, Marc
Pros Att'y, 21st Judicial District

RE: Act 105 of the 2nd Ex. Sess. Of 2003 instructs the county court to issue an order to the county clerk to amend the millage amount levied in December 2003. Does Act 105 further authorize the Tax Collector to collect on the new maintenance and operation millage rate in 2004? Q2) Does the Tax Collector collect taxes in 2004 on the 15.1 millage rate for maintenance and operation or on the 25 millage rate for maintenance and operation for the categories of products that are outlined under ACA 26-52-405? Q2) If so, are these chemicals and products that are used in agricultural production considered exempt from the Arkansas gross receipts tax under the Arkansas

Gross Receipts Act? **RESPONSE:** Decline to answer because only the Department of Finance and Administration opines on such tax questions.

Opinion No.: 2004-106

Bolin, Johnnie
State Representative

RE:Q1) Whether the chairman or a member of the North Crossett Utilities Board has the right to run for office while serving in their capacity as chair/member on said Board? Q2) Whether the chairman or a member of the North Crossett Utilities Board, if elected to office, has the right to continue to serve in their capacity on said Board? **RESPONSE:** Q1) The answer will depend on the nature of the Board and the statutory authority under which it was created. Generally, Arkansas law protects the right to run for office, although the right can be affected by the provisions of particular statutes governing particular positions, or by party rules. See opinion for discussion. Q2) The answer will depend on the nature of the Board and the statutory authority under which it was created. The dual service may be prohibited by ACA 14-201-105, or a similar statute. The dual service does not appear to be prohibited by any constitutional provision or by the common law doctrine of incompatibility.

Opinion No.: 2004-107

Salmon, Mary Anne
State Senator

RE:Pursuant to provisions of Act 1506 of 2001, are elementary schools required, beginning June 1, 2005, to offer one hour of visual art and an additional hour of instruction in music each calendar week? **RESPONSE:** Yes. This conclusion is based upon certain subtleties in the statutory language, as well as on certain practical considerations, as explained in the opinion.

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Opinion No.: 2004-112

Martin, Harold G.

RE: Request for certification of the popular name and ballot title for a proposed constitutional amendment authorizing bingo and raffles by nonprofit organizations, authorizing the General Assembly to create a state lottery, authorizing Harold Glen Martin to operate gambling, and for other purposes. **RESPONSE:** Popular name and ballot title rejected due to ambiguities in the text of the proposed measure.

Opinion No.: 2004-113

Jones, Steve
State Representative

RE: Is a conflict of interest created when a former county official, who is drawing his retirement benefits,

is elected to serve in another county office? **RESPONSE:** The answer will depend on the office in question and the retirement system in question. See Ops. Nos. 2002-244; 98-162; and 96-212.

Opinion No.: 2004-117

Evans, Judy

RE: Request for certification of the popular name and ballot title of a proposed constitutional amendment authorizing lotteries in the State and for other purposes. **RESPONSE:** Popular name and ballot title rejected due to ambiguities in the text of the proposed measure

ADOPTED RULES AND REGULATIONS

BOARD OF EXAMINERS OF ALCOHOLISM AND DRUG ABUSE COUNSELORS

Docket No.: 201.00.04--001
Effective Date: 4/9/04
Contact Person: Don Barnes
Telephone: (501) 682-1316

Emergency Rule: Rule 1 - Code of Ethics ***

CONTRACTORS LICENSING BOARD

Docket No.: 033.00.03--001
Effective Date: 4/9/04
Contact Person: Greg Crow
Telephone: (501) 371-1504

224-25-11 -- Bonds

DEPARTMENT OF WORKFORCE EDUCATION

Docket No.: 172.00.04--001
Effective Date: 4/16/04
Contact Person: Peggy Wakefield
Telephone: (501) 682-1500

**Rules for Arkansas Technical Careers
Student Loan Forgiveness Program**

FIRE & POLICE PENSION REVIEW BOARD

Docket No.: 137.00.04--001
Effective Date: 3/27/04
Contact Person: David Clark
Telephone: (501) 682-1745

Board Rule #9

GAME & FISH COMMISSION

Docket No.: 002.00.04--003
Effective Date: 4/11/04
Contact Person: James Goodhart
Telephone: (501) 223-6327

**2004-2005 General Hunting Regulations
(excluding deer, bear and turkey)**

HEALTH SERVICES AGENCY

Docket No.: 049.00.04--001
Effective Date: 3/29/04
Contact Person: Mary Brizzi
Telephone: (501) 661-2501

**Regulation 200M - Residential Care
Facility (RCF) Methodology *****

Docket No.: 049.00.04--002
Effective Date: 3/29/04
Contact Person: Mary Brizzi
Telephone: (501) 661-2501

**Regulation 400M - Hospice Methodology

ADOPTED RULES AND REGULATIONS

Docket No.: 049.00.04--003
Effective Date: 3/29/04
Contact Person: Mary Brizzi
Telephone: (501) 661-2501

Regulation 001 - Health Services Permit Commission Policies and Procedures ***

HUMAN SERVICES

Childcare & Early Childhood Education

Docket No.: 016.22.04--001
Effective Date: 4/15/04
Contact Person: Paul Lazenby
Telephone: (501) 682-8947

Family Support Unit Policy Manual

County Operations

Docket No.: 016.20.04--002
Effective Date: 4/1/04
Contact Person: Linda Greer
Telephone: (501) 682-8257

Emergency Rule: MS 3334.3 and 3336.10 -- Transfer of Resources - Updating Divisor for Determining Uncompensated Value and Period of Ineligibility

Docket No.: 016.20.04--003
Effective Date: 4/8/04
Contact Person: Linda Greer
Telephone: (501) 682-8257

FSC 04-04 -- Allowable Cost

Medical Services

Docket No.: 016.06.04--003
Effective Date: 5/1/04
Contact Person: Betty Reed
Telephone: (501) 682-8363

Official Notice: DMS-2004-C-1, DMS- 2004-F-1, DMS-2004-NN-1, DMS-2004-L-3, DMS-2004-FF-1, DMS-2004-Y-1, DMS- 2004-YY-2

Docket No.: 016.06.04--006
Effective Date: 5/1/04
Contact Person: Will Taylor
Telephone: (501) 682-8362

Official Notice DMS-2004-L-1, DMS-2004- KK-1, DMS-2004-R-1

Docket No.: 016.06.04--007
Effective Date: 5/1/04
Contact Person: Will Taylor
Telephone: (501) 682-8362

Official Notice DMS-2004-L-2, DMS-2004- R-2

Docket No.: 016.06.04--009
Effective Date: 5/1/04
Contact Person: Dixie Wallace
Telephone: (501) 682-8340

DMS-608 - Medicaid Fraud Control Unit Referral

ADOPTED RULES AND REGULATIONS

Docket No.: 016.06.04--011
Effective Date: 5/1/04
Contact Person: Carolyn Patrick
Telephone: (501) 682-8359

Official Notice DMS-2004-YY-1

Docket No.: 016.06.04--012
Effective Date: 5/1/04
Contact Person: Carolyn Patrick
Telephone: (501) 682-8359

Official Notice DMS-2004-N-1

Docket No.: 016.06.04--014
Effective Date: 4/12/04
Contact Person: Randy Helms
Telephone: (501) 682-1857

Elimination of Non-State Public Nursing Facility Monthly UPL Adjustment

Docket No.: 016.06.04--021
Effective Date: 3/31/04
Contact Person: Carolyn Patrick
Telephone: (501) 682-8359

Emergency Rule: ElderChoices Provider Manual Update Transmittal #43

Docket No.: 016.06.04--022
Effective Date: 4/1/04
Contact Person: Tom Show
Telephone: (501) 682-2483

Emergency Rule: State Plan #2004-005 - - Physicians

Docket No.: 016.06.04--023
Effective Date: 4/1/04
Contact Person: Tom Show
Telephone: (501) 682-2483

Emergency Rule: State Plan #2004-006 - - Private Duty Nursing

LIVESTOCK & POULTRY COMMISSION

Docket No.: 125.00.04--001
Effective Date: 5/1/04
Contact Person: Karen Gray
Telephone: (501) 907-2411

Regulation for the Disposal of Large Animal Carcasses (excluding dogs and cats)

POLLUTION CONTROL & ECOLOGY

Administration

Docket No.: 014.08.03--002
Effective Date: 4/16/04
Contact Person: Jennifer Tucker
Telephone: (501) 682-0883

Regulation #9 - Permit Fee Regulations

Docket No.: 014.08.03--003
Effective Date: 4/16/04
Contact Person: Jennifer Tucker
Telephone: (501) 682-0883

ADOPTED RULES AND REGULATIONS

Regulation #6 - State Administration of the National Pollutant Discharge Elimination System

Hazardous Waste

Docket No.: 014.09.04--001
Effective Date: 4/7/04
Contact Person: Michael Bates
Telephone: (501) 682-0831

Emergency Rule: Regulation 30 - Remedial Action Trust Fund Hazardous Substances Site Priority List

Solid Waste Control

Docket No.: 014.03.03--001
Effective Date: 4/16/04
Contact Person: Jennifer Tucker
Telephone: (501) 682-0883

Regulation 11 - Solid Waste Disposal Fees; Landfill Post-Closure Trust Fund & Recycling Grants Program

STATE MEDICAL BOARD

Docket No.: 060.00.03--001
Effective Date: 3/27/04
Contact Person: Peggy Cryer
Telephone: (501) 296-1802

Regulation 27 - Informed Consent for Gastric Bypass Surgery

STATE PLANT BOARD

Docket No.: 003.11.04--001
Effective Date: 3/25/04
Contact Person: Terry Walker
Telephone: (501) 225-1598

Regulations for Sudden Oak Death

STATE POLICE

Docket No.: 130.00.04--002
Effective Date: 4/1/04
Contact Person: Alice Eastwood
Telephone: (501) 618-8204

Rules for the State Police Commission

INSURANCE DEPARTMENT

02-083B

(Amended Suspension Order)

In the Matter of

Lucy Irene McCarley a/k/a Lucy Mitchell

04-001

(Order of Continued Suspension)

In the Matter of the

Certificate of Authority of

GHS Fire Insurance Company

04-002

(Order of Suspension)

In the Matter of the

Certificate of Authority of

Statewide Insurance Company

04-003

(Emergency License Suspension Order)

In the Matter of

Delbert R. Huelle

04-004

(Order of Reinstatement)

In the Matter of the

Certificate of Authority of

Mid-Continent Life Insurance Company

04-005

(Order of Continued Suspension)

In the Matter of the

Certificate of Authority of

Acceptance Insurance Company

04-006

(Emergency License Suspension Order)

In the Matter of

Michael Wayne Pate d/b/a/ Pate Insurance Agency

04-007

(Order of Continued Suspension)

In the Matter of the

Certificate of Authority of

Northwestern National Insurance Company

INSURANCE DEPARTMENT

04-008

(Order of Suspension)

In the Matter of the
Certificate of Authority of
First Continental Life and Accident Insurance Company

04-009

(Order)

In the Matter of the
J. E. Kennedy Funeral Home

04-011

(Adoption Order)

In the Matter of the
Report of Examination of
HMO Partners, Inc.

04-012

(Adoption Order)

In the Matter of the
Report of Examination of
Port-O-Call Life Insurance Company

04-013

(Consent Order)

In the Matter of
Rhea Katherine Phelan

04-014

(Order of Continued Suspension)

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

04-015

(Adoption Order)

In the Matter of the
Report of Examination of
Ruffin & Jarrett Insurance Company

04-016

(Order)

In the Matter of the Examination of
QCA Health Plan, Inc.

ORDERS AND NOTICES

LEGISLATIVE AUDIT

March 30, 2004

Agency	Period Covered
Department of Finance and Administration - Revenue Division - Office of Financial and Management Services - Cashier Section	6/30/02
Department of Finance and Administration - Revenue Division - Office of Financial and Management Services - Cashier Section	6/30/03
State Forestry Commission	6/30/02
Auditor of State	6/30/03
Auditor of State - Disbursing Officer	6/30/03
Development Finance Authority (Private)	6/30/03
State of Arkansas Construction Assistance Revolving Loan Fund Program (Private)	6/30/03
State of Arkansas Safe Drinking Water Fund (Private)	6/30/03
Disability Determination for Social Security Administration (Private)	9/30/03
Educational Telecommunications Network Foundation (Private)	6/30/03
Arkansas State Medical Board (Private)	6/30/03
Arkansas State Board of Public Accountancy (Private)	6/30/03
White River Planning and Development District, Inc.	6/30/03
Arkansas State Athletic Commission - Two-Year Period Ended	6/30/03
Arkansas State Board of Barber Examiners - Two-Year Period Ended	6/30/03

ORDERS AND NOTICES

Arkansas Burial Association Board	6/30/03
Arkansas State Child Abuse and Neglect Prevention Board - Two-Year Period Ended	6/30/03
Arkansas State Claims Commission - Two-Year Period Ended	6/30/03
Arkansas State Board of Dental Examiners - Two-Year Period Ended	6/30/03
Arkansas State Board of Examiners in Counseling - Two-Year Period Ended	6/30/03
Health Services Permit Agency - Two-Year Period Ended	6/30/03
Arkansas State Board of Physical Therapy - Two-Year Period Ended	6/30/03
Professional Bail Bondsman Licensing Board - Two-Year Period Ended	6/30/03
Arkansas Social Work Licensing Board - Two-Year Period Ended	6/30/03
Department of Education - Arkansas State Library	6/30/03
Arkansas Tobacco Settlement Commission - Two-Year Period Ended	6/30/03
Arkansas Waterways Commission - Two-Year Period Ended	6/30/03
Arkansas Valley Technical Institute	6/30/03
Mississippi County Community College	6/30/03
Northwest Arkansas Community College	6/30/03
Ouachita Technical College	6/30/03
Southeast Arkansas College	6/30/03
Pulaski Technical College	6/30/03
Cotton Boll Technical Institute	6/30/03
Federal Portion of the Statewide Single Audit Report	6/30/03

Secretary of State
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