

The Arkansas Register



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

Editor **Jon Davidson**

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Charlie Daniels

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THE ARKANSAS REGISTER

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Secretary of State’s office
Arkansas Register
026 State Capitol
Little Rock, AR 72201
(501) 682-3527
jon.davidson@sos.arkansas.gov

ATTORNEY GENERAL OPINIONS

Opinion No.: 2005-201

Smith, Lindsley
State Representative

RE: Does ACA 22-9-101 apply to major repairs to existing public works where the contemplated expenditure exceeds \$25,000, or are the services of a registered professional engineer only required for new construction of public works? **ANSWER:** The requirements of 22-9-101 are not limited to new construction and can apply to major repairs. Compare A.C.A. 22-9-203, 22-9-301, 22-9-302, 22-9-401, 22-9-601 (other provisions in Chapter 9 of Title 22 employing similar language and having a similar object or purpose).

Opinion No.: 2005-204

Jones, Terry D.
Pros Attorney, 4th Judicial District

RE: May the county clerk and/or election commission accept a faxed petition to run for school board, either as a regular candidate or as a write on? Q2) May the county clerk and/or election commission refuse to put a name or issue on any ballot if they have only received a faxed petition? Q3) If the clerk or [election] commission were to allow a name or issue on a ballot based on a faxed petition, would this void the election? **ANSWER:** Q1) A petition transmitted /submitted to the county clerk's office by facsimile machine likely fails to meet the petition filing requirement for school board candidacy. See A.C.A. 6-14-111(b). But the notice requirement for write-in candidacy is likely satisfied by a fax. See 6-14-111(c). Q2) In my opinion, the county clerk may refuse to certify the sufficiency of a faxed petition supporting a school board candidate. If, however, the clerk nevertheless accepts a faxed petition and certifies the sufficiency of the petition to the board of election commissioners, it is my opinion that the election commission may not, based solely upon the faxed petition, refuse to place the candidate's name on the ballot. The answer is unclear regarding an "issue on any ballot." Q3) No. The notice requirement for write-in candidacy is, on the other hand, in my opinion likely satisfied by a fax.

Opinion No.: 2005-205

Glover, Bobby L.
State Senator

RE: Can the City of Cabot donate \$500 per month to the Lonoke County Safe Haven, a shelter for domestic abuse victims? Q2) If the answer to question one (1) is "no," can the City of Cabot contract with Lonoke County Safe Haven for services? Q3) If the answer to question two (2) is "yes," should the city's payments to Safe Haven be limited to payments for services provided to victims who are also residents of the City of Cabot? Q4) Can the Cabot Water Wastewater Commission, pursuant to ACA 14-234-307(b)(1), donate funds to support Lonoke County Safe Haven? **RESPONSE:** Q1) No. Article 12, Sec. 5 of the Arkansas Constitution, as interpreted by the Arkansas Supreme Court, would preclude a city from donating public funds to a private, nonprofit corporation. Q2) Yes, subject to the condition that the consideration the city pays for the services at issue must be reasonable. Q3) Yes, given that a city's statutory police powers enable it to provide only for the general welfare of its "inhabitants." A.C.A. 14-55-102. Q4) No. Although A.C.A. 14-42-108(b)(2) and 14-234-307(b)(1) expressly authorize municipal water commissions to donate money to various types of organizations, I believe these statutes would be adjudged unconstitutional as offending Article 12, Sec. 5 if they were read as authorizing the donation of public funds to a private, nonprofit corporation.

Opinion No.: 2005-206

Capps, John Paul
State Senator

RE: Is it the intent and purpose of Act 1372 of 2005 that a nonprofit corporation established under Act 1372 be funded by a levy of a tax (ACA 14-174-101, et seq.)? Q2) May a corporation established under Act 1372 be funded by an appropriation of general funds yearly budget expenditures rather than by a levy of a tax authorized by the voters as provided for in ACA 14-174-103? Would this be in violation of Ark. Const. art. 12, sec. 5? Q3) Is it your opinion that a lawsuit

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could be successfully brought against a municipality that funded a corporation established under authority of Act 1372 of 2005 with money from the General Fund yearly budget appropriation rather than from a levy of a tax as prescribed and authorized by the voters under Act 1372? RESPONSE: Q1) I believe the legislature clearly intended that a public economic development corporation of the sort authorized by Act 1372 of 2005 be funded by a levy of a tax. Specifically, A.C.A. 14-175-111(b)(1)(A) (Supp. 2005) expressly authorizes levying a voter-approved sales and use tax to finance projects undertaken by such a corporation. Q2) The law is unclear as to whether or not a political subdivision might appropriate unpledged general funds to subsidize a public corporation formed under the Public Corporations for Economic Development Act (the "PCEDA"), which was enacted as Act 1372, Sec. 3 and is codified at A.C.A. 14-175-101 through -116 (Supp. 2005). As a general rule, in the absence of prohibitory legislation, a political subdivision may pledge public funds, including general revenues, to a public entity to fulfill a "public purpose." Unfortunately, it remains unclear whether the legislature intended the financing mechanism set forth in the PCEDA to be exclusive, primary or optional. Legislative clarification appears warranted. I do not believe the fact that a political subdivision provided such alternative funding would offend Ark. Const. art. 12, Sec. 5. As noted, I believe the issue is one of statutory preemption. Q3) Given the uncertainty addressed in my response to your second question, I cannot confidently predict the outcome of a lawsuit challenging the funding of a PCEDA project using general funds.

Opinion No.: 2005-209

Walters, Shirley
State Representative

RE: What exactly is necessary to qualify for the homestead exemption? Q2) Can a person have more than one homestead exemption? Q3) Can the seller of property take a homestead exemption on a house he is selling by contract even though he has a homestead exemption on his residence? Q4) Can a homestead exemption be claimed on property in a trust? Q5) Can the spouse of a disabled veteran claim the

veteran's home tax exemption even though the veteran is in a nursing home? Q6) What if the veteran is deceased and the spouse lives in the house? Q7) What if the veteran is deceased, the spouse is in a nursing home, and someone else is living in the house? RESPONSE: Q1) See Ark. Op. Att'y Gen No. 2001-213, which summarizes the various types of homestead exemptions. Q2) & Q3) No. A.C.A. 26-3-306(e) and 26-26-1119(a)(1). Q4) Revocable trust property occupied by the grantor may qualify as a homestead for purposes of applying the Amendment 79 exemptions. A.C.A. 26-26-1122(a)(1)(B). I do not believe other property held in trust would qualify for a homestead exemption. See Ark. Op. Att'y Gen. No. 95-408 (discussing the concept of equitable ownership as it relates to homestead exemptions). Q5) Although the Arkansas Code would benefit from legislative clarification on this issue, I believe the answer to your question is, in all likelihood, "yes." Q6) Yes. A.C.A. 26-3-306(a)(1)(B)(i) (Supp. 2005). Q7) No.

Opinion No.: 2005-210

Broadway, Shane
State Senator

RE: May a member of the Springhill Fire Protection District Board serve the remainder of the member's appointed term after the area in which the member resides has been annexed into the city? Q2) Is there any legal impediment to the board remaining intact until the annexation results of the November 2006 general election are certified? Q3) If a board member must be replaced prior to the expiration of the member's term as a result of either proposed annexation, how and when should the board member be replaced? Q4) If part of the Springhill Fire Protection District is annexed into the City of Bryant, is the district required to reorganize? If so, how and when, and may the board wait until the annexation results of the November 2006 general election are certified to accomplish the reorganization? RESPONSE: With respect to your first question, if there is a "mutual, formal agreement" between the district and the City, or if bonded indebtedness is outstanding, a court in my opinion would find that the fire protection district includes the annexed lands for the reasons set forth

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below, allowing the board member to continue service. If there is no agreement and no outstanding bonds, it is unclear whether the boundaries of the fire protection district change by operation of law so as to affect the board member's service. In my opinion, however, in any event, the board member would be at least a de facto officer who could continue to serve until or unless removed or until the expiration of his term. With respect to your second question, in my opinion the Board must continue to abide by the statutory terms of office set by law. With respect to your third question, A.C.A. 14-284-208(c) governs filling of vacancies on the board and specifies that the county court will appoint a new commissioner for the remainder of the vacating commissioner's term. With respect to your fourth question, in my opinion as long as the Springhill Fire Protection District was properly formed originally, there is no need to reorganize when some portion of the district has been annexed. Legislative clarification on the status of the annexed territory is warranted, however.

Opinion No.: 2005-211

Hardwick, Horace A.
State Representative

RE: Does Act 971 of 2005 apply to all college employees or only to classified, non-faculty employees? **RESPONSE:** In my opinion, Act 971 of 2005 was repealed by implication upon the enactment of Act 1288 of 2005. In the wake of both acts, I believe only classified employees of state-supported institutions of higher learning, including two-year institutions, are entitled to the compensation for unused sick leave set forth in Arkansas Code title 21, chapter 4, subchapter 5. I do not believe any state-supported, two-year institution has any discretion to deny this compensation to classified employees, nor do I believe that the applicable subchapter authorizes an institution to offer this compensation to non-classified employees.

Opinion No.: 2005-216

Clark, David B.
Executive Director, AR Fire & Police Pension Review

RE: Is a local pension fund permitted to allow their members to waive the six percent (6%) actuarial assumed rate for an interest award for members that participate in the Deferred Retirement Option Plan (DROP)? **RESPONSE:** No. The statute, A.C.A. 24-11-434(e)(2)(A), is unambiguous in providing that participants in DROP "shall earn interest" at a rate "no less than the actuarial assumed rate." The word "shall" indicates mandatory compliance. Consequently, there is no discretion in the local pension and relief board to include a DROP provision that requires a waiver of the statutorily specified interest rate. Compare A.C.A. 24-11-434.

Opinion No.: 2005-218

Higginbotham, Steve
State Senator

RE: Since all land values are fixed for assessment purposes in January and tax bills are due in October, when would new property valuations be established pursuant to Act 1432 of 2005? **RESPONSE:** In my opinion, because Act 1432 of 2005 became effective on August 12, 2005, the new property valuations under the act will be established in the first assessment subsequent to the act's effective date, or the assessment period beginning in January 2006 and payable the subsequent October.

Opinion No.: 2005-221

James, T. Kenneth, Ed.D
Commissioner of Education, AR DOE

RE: Can Act 2113 of 2005 be retroactively applied to persons called into active duty during the time period after September 11, 2001 and before August 12, 2005, which is the effective date of the legislation? **RESPONSE:** Yes. In my opinion, although the legisla-

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tion does not expressly declare that it will apply retroactively, this conclusion is clearly implied by the legislature's declaring that the act will apply to those called into active service after September 11, 2001.

Opinion No.: 2005-222

Davis, Otis L.
State Representative

RE: Is it permissible for two Arkansas cities to consolidate if they are located in different counties? **RESPONSE:** No. The General Assembly has delineated the authority of municipalities to consolidate only with other municipalities in the same county. This grant of authority does not extend beyond the specific language used in A.C.A. 14-40-1201 which allows municipalities in the same county to consolidate.

Opinion No.: 2005-226

Elkins, Doug; Ruthven, N
Directors, OIT & Dept of Emergency Management

RE: Is the information held within the State's disaster recovery planning system database protected from public disclosure under Act 1366 of 2003 (the "Homeland Security Information Act"), or any other act, law or regulation? **RESPONSE:** The answer will obviously require a factual review of the information contained in the database. I have set out a discussion of Act 1366, which may be of help in addressing the points raised.

Opinion No.: 2005-227

Daniels, Charlie
Secretary of State

RE: Request, pursuant to ACA 7-9-110(a)(1), to fix and declare the popular name for HJR 1003, a consti-

tutional amendment proposed pursuant to Ark. Const. article 19, section 22, concerning bingo and raffles conducted by charitable organizations. **ANSWER:** The popular name is fixed as declared as follows: "A constitutional amendment providing that bingo and raffles, if conducted by authorized organizations (defined as nonprofit religious, educational, veterans, fraternal, service, civic, medical, volunteer rescue, volunteer fire, and volunteer police organizations) shall not be constitutionally prohibited as a lottery, provided the organization has been in existence five years and net receipts are used only for charitable, religious, or philanthropic purposes."

Opinion No.: 2005-238

Green, Rick
State Representative

RE: Does ACA 25-19-105, or any other applicable state or federal law, prevent disclosure of documents submitted to the Arkansas Department of Health Division of Emergency Medical Service for paramedic ambulance service licensure under the FOIA competitive advantage exemption? **ANSWER:** This requires a factual determination regarding the extent to which disclosure would in fact result in competitive harm to the person who supplied the information. The burden is on the one seeking exemption to establish a likelihood of substantial competitive injury.

Opinion No.: 2005-240

Vasser, A. Glenn
Attorney at Law, McKenzie Law Firm

RE: Request for approval of an interlocal agreement between the City of Prescott and the Prescott School District to hire a resource officer for the present school year. **RESPONSE:** The document submitted is a straight-forward contract, as distinct from an interlocal agreement, and hence does not require my approval. See A.C.A. 25-20-108(a).

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Opinion No.: 2005-247

James, T. Kenneth, Ed.D.
Commissioner, Dept of Education

RE: May a school district with a deficit operating fund balance in one school year refinance an installment contract obligation for the sole purpose of extending the life of the currently existing installment contract obligations to a future school year maturity date? Q2) May a school district with a deficit operating fund balance in this school year incur additional current indebtedness to mature on December 31, 2006, of the next school year for the purpose of retiring existing current indebtedness that is due to mature in this school year? Q3) May a school district pledge school district property to incur non-bonded current indebtedness financing? Q4) Is a school district operating with (or without) a deficit fund balance eligible to incur a revolving loan pursuant to A.C.A. 6-20-810 et seq. in order to refinance an installment contract or retire current indebtedness obligations of the school district? Q5) May a school district operating with a deficit fund balance sell unused school property for the purpose of retiring existing installment contract obligations and/or current indebtedness obligations of the district? Q6) May a school district refinance an installment contract, lease purchase, postdated warrant or short-term lease agreement for a time period of a maturity date eight (8) years beyond the current maturity date on the existing debt instrument to be refinanced, and Q7) May a school district essentially convert a current indebtedness obligation allowed under A.C.A. 6-20-402 into a multi-year debt obligation instrument by simply borrowing enough money on a multi-year debt obligation to pay off or retire the current year debt obligation? **RESPONSE:** 1) It depends upon the facts; 2) No; 3) No; 4) Although it may be a legal possibility, it is within the discretion of the State Board or the Commissioner; 5) No; 6) No; and 7) No.

Opinion No.: 2005-260

Adams, Mike
State Registrar & Director, Vital Statistics

RE: Is the decision of the custodian of records to release the name, job title and salary of the requester in response to a request for this information under the Freedom of Information Act consistent with provisions of the FOIA? **RESPONSE:** Yes.

Opinion No.: 2005-266

Clemons, Booker T.
State Representative

RE: Pursuant to civil service laws, does a police or fire department probationer have a right to appeal after discharge, i.e., before the probationary period is complete? **RESPONSE:** No. The right of appeal is only available to those who have completed the probation period. See A.C.A. 14-51-301(b)(7). This is also true in the case of promotion. See also 14-51-308 and civil service commission rules and regulations.

Opinion No.: 2005-267

Thomas, Stuart
Chief of Police, LR Police Department

RE: Is the decision of the custodian of records to withhold release of documents contained in an ongoing Internal Affairs investigative file consistent with provisions of the Freedom of Information Act (FOIA)? **RESPONSE:** If the records are properly classified as "employee evaluation or job performance records" and if no decision has been made to suspend or terminate the employees involved, then the decision is consis-

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tent with the FOIA. If not properly classified as such, the decision may be inconsistent with the FOIA. See also, Opinions 2004-178 and 2003-306.

Opinion No.: 2005-268

LaForce, Belinda
Mayor

RE: In response to an oral request for the personnel files of five (5) Searcy police officers, the City of Searcy has forwarded copies of the files to this office and posed four questions regarding the records as follows: 1) whether the request poses an unwarranted invasion of personal privacy because the request makes no showing of a valid public interest in disclosure; 2) whether the file maintained by the City as a "police file" is subject to release as a "personnel file;" 3) has the City fairly and accurately redacted the appropriate information from the personnel files; and 4) has the City properly redacted the appropriate information from the police files? **RESPONSE:** My statutory duty is to determine whether the custodian's decision is consistent with the FOIA. The request does not state what that decision is. I am not authorized or required to answer questions posed by the custodian or to advise the custodian on his or her decision. To the extent necessary to set forth the applicable tests and principles under the FOIA however, I can state that: 1) The requester is not required to make a "showing" of a public interest. It is, rather, the custodian's burden to prove an exemption. 2) The fact that a record is not maintained in a "personnel file" does not preclude a conclusion that it is a "personnel record." 3) & 4) Personnel records are typically open to inspection and copying with appropriate redactions. The redactions made are in large measure consistent with the FOIA, but I have noted some deviations in both the personnel and police files. In addition, the redactions should comply with ACA 25-19-105(f)(3) ("the amount of information redacted shall be indicated on the released portion of the record and if technically feasible, at the place in the record where the deletion was made.")

Opinion No.: 2005-272

Fendley, Clay
Attorney at Law

RE: Is the decision of the records custodian to release the attached packet of documents in response to a Freedom of Information Act request for records relating to the suspension of Mr. Fendley's client consistent with provisions of the FOIA even though his client believes the disclosure would constitute a clearly unwarranted invasion of his personal privacy? **RESPONSE:** The custodian has correctly decided to release those documents that have been designated for release, with the possible exception of home address information of the school employee(s) involved. But the decision to withhold the documents that have been marked "Confidential" may be inconsistent with the FOIA. The answer may turn on whether these documents constitute personnel records or employee evaluation/job performance records. See opinion for discussion.

Opinion No.: 2005-273

Altes, Denny
State Senator

RE: Does the proposed Referred Question No. 1, known as the Arkansas Interstate Highway Financing Act of 2005, which would authorize the Arkansas Highway Commission to perpetually issue bonds without a popular vote, conflict with Arkansas Constitutional Amendment 20? **RESPONSE:** I must decline to issue an opinion on this matter at this time in light of this office's policy not to issue opinions on matters scheduled to come before the voters.

Opinion No.: 2005-276

Merritt, Alana

RE: Is the custodian of records for the Morning Star Volunteer Fire Department in violation of provisions of the Freedom of Information Act (FOIA) since he has

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failed to respond to verbal and written requests for copies of a former employee's personnel file, any disciplinary action(s) taken against the employee, and any documents related to the employee's termination? RESPONSE: Yes. I believe the custodian is obliged to produce the requested records pursuant to ACA 25-19-105(c)(2).

Opinion No.: 2005-279

Falk, Stan, Ph.D.
Assistant Director., DHHS Public Health

RE: Is the decision of the custodian of records to release copies of all information and/or documents generated in response to an internal investigation re-

garding the Public Health Laboratory, after first redacting all documents or items that are specifically exempt, including social security numbers, home address, records of performance and medical records, consistent with provisions of the Freedom of Information Act (FOIA)? RESPONSE: Having not reviewed the actual records in question, I cannot come to a conclusive determination. As a general matter, personnel records are exempt with appropriate redactions. As for the custodian's decision to withhold "records of performance" the legality of this decision depends upon whether the test for the release of "employee evaluation or job performance records" has been met. See opinion for full analysis.



ADOPTED RULES AND REGULATIONS

ARKANSAS DEVELOPMENT FINANCE AUTHORITY

Multi-Family Housing

Docket No: 109.04.05-006F
Effective Date: 12/15/2005
Contact: Patrick Patton
Telephone: 501-682-5902

Housing Credit Program 2006 Qualified Allocation Plan

ASSESSMENT COORDINATION DEPARTMENT

Docket No: 177.00.05-001F
Effective Date: 12/15/2005
Contact: Bob Leslie
Telephone: 501-324-9108

Rules 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27, 4.28

BOARD OF ELECTION COMMISSIONERS

Docket No: 108.00.05-001F
Effective Date: 12/01/2005
Contact: Ruth Raines
Telephone: 501-682-1783

New Rules for County Election Commissioners Training

Docket No: 108.00.05-002F
Effective Date: 01/01/2006
Contact: Ruth Raines
Telephone: 501-682-1783

Amendment to Rules for Reimbursement of Expenses for State-Funded Elections

Docket No: 108.00.05-003F
Effective Date: 12/01/2005
Contact: Ruth Raines
Telephone: 501-682-1783

Amendment to Rules for Election Officials (Poll Worker) Training

Docket No: 108.00.05-004F
Effective Date: 01/01/2006
Contact: Ruth Raines
Telephone: 501-682-1783

Amendment to Rules for Voter Intent

BOARD OF PUBLIC ACCOUNTANCY

Docket No: 019.00.05-001F
Effective Date: 12/11/2005
Contact: Leveta Ray
Telephone: 501-682-1520

Changes to Board Rules 1 -Definitions; 3 - CPA Exam; 4 - Reciprocity; 6 - Substantial Equivalency; 7- Firms; 8 - Standards; 9 - Address Change; 10 - Annual Registration; 11 - Hearings; 12- Fees; 13 - CPE; 14 - Quality Review; 16 - Experience

ADOPTED RULES AND REGULATIONS

COMMISSION FOR PUBLIC SCHOOL ACADEMIC FACILITIES & TRANSPORTATION

Docket No: 203.00.05-005F
Effective Date: 12/17/2005
Contact: Dave Floyd
Telephone: 501-682-4261

AFT 014: Rules Governing the Retirement and Termination of Bonded Debt Assistance, General Funding and Supplemental Millage Incentive Funding

Docket No: 203.00.05-006F
Effective Date: 12/17/2005
Contact: Dave Floyd
Telephone: 501-682-4261

AFT 015: Rules Governing the Academic Facilities Partnership Program

Docket No: 203.00.05-007F
Effective Date: 12/17/2005
Contact: Dave Floyd
Telephone: 501-682-4261

AFT 011: Rules Governing the Academic Facilities Distress Program

Docket No: 203.00.05-008F
Effective Date: 12/17/2005
Contact: Dave Floyd
Telephone: 501-682-4261

AFT 010: Rules Governing the Use of Design Build Construction by Public School Districts

Docket No: 203.00.05-009F
Effective Date: 12/17/2005
Contact: Dave Floyd
Telephone: 501-682-4261

AFT 009: Rules Governing the Use of Construction Management as a Project Delivery Method

Docket No: 203.00.05-010F
Effective Date: 12/17/2005
Contact: Dave Floyd
Telephone: 501-682-4261

AFT 017: Rules Governing the Use of Public - Public Partnerships by School Districts

Docket No: 203.00.05-011F
Effective Date: 12/17/2005
Contact: Dave Floyd
Telephone: 501-682-4261

AFT 012: Rules Governing the Ten Year Facilities Master Plan

Docket No: 203.00.05-013F
Effective Date: 12/17/2005
Contact: Dave Floyd
Telephone: 501-682-4261

ADOPTED RULES AND REGULATIONS

AFT 016: Rules Governing the Acquisition of Energy Conservation Measure for Public Schools

ECONOMIC DEVELOPMENT

Docket No: 168.00.05-004F
Effective Date: 12/22/2005
Contact: Morris Jenkins
Telephone: 501-682-7377

Small Business Loan Program

EDUCATION DEPARTMENT

Fiscal & Administrative Services

Docket No.: 005.01.05-011F
Effective Date: 12/17/2005
Contact: Bobbie Davis
Telephone: 501-682-1297

ADE 231: Rules Governing the Distribution of Consolidation / Annexation Incentive Funding

FINANCE & ADMINISTRATION

Office of Procurement

Docket No: 006.27.05-002F
Effective Date: 12/12/2005
Contact: Jan Moore
Telephone: 501-682-7750

Amended Rules Implementing Governor's Executive Order 98-04 and Act 34 of 1999

Racing Commission

Docket No: 006.06.05-001F
Effective Date: 12/19/2005
Contact: Byron Freeland
Telephone: (501) 688-8810

Rules Governing Greyhound Racing: Rules 1381, 3160, 3161, 3220A, 5015A, — Rules Governing Thoroughbred Racing: Rules 1231, 1270, 2263, 2434, 2466

Revenue Division

Docket No: 006.05.05-003F
Effective Date: 11/25/2005
Contact: John Theis
Telephone: (501) 682-7000

Rule 2005-04: Sales of Heavy Equipment - Decals

Docket No: 006.05.05-006F
Effective Date: 01/01/2006
Contact: Jan Moore
Telephone: 501-682-7750

Rule 2005-7: Dealer Plates and Tags for Motor Vehicles and Motorcycles

HIGHER EDUCATION

Financial Aid Division

Docket No: 008.10.05-003F
Effective Date: 12/15/2005
Contact: Janet Lawrence
Telephone: 501-371-2000

ADOPTED RULES AND REGULATIONS

Teacher Opportunity Program Rules and Regulations

HUMAN SERVICES

Administrative Services

Docket No: 016.14.05-012F
Effective Date: 02/01/2006
Contact: Brenda Jackson
Telephone: 501-682-6250

DHHS Social Services Block Grant Program Manual

Docket No: 016.14.05-013F
Effective Date: 02/01/2006
Contact: Brenda Jackson
Telephone: 501-682-6250

Social Services Block Grant Comprehensive Services Program Plan for State Fiscal Year 2006

Children and Family Services

Docket No: 016.15.05-003E
Effective Date: 11/22/2005
Contact: Vellor Williams
Telephone: 501-682-8196

Emergency Rule: Children and Family Services Forms Manual - CFS-300, CFS-300A, CFS-312A, CFS-312B, CFS-384, CFS-423 and CFS-428A

Medical Services

Docket No: 016.06.05-075F
Effective Date: 01/01/2006
Contact: Dorothy Vance
Telephone: 501-683-2916

Developmental Rehabilitation Services Provider Manual Update Transmittal #17

Docket No: 016.06.05-076F
Effective Date: 01/01/2006
Contact: Dorothy Vance
Telephone: 501-683-2916

Podiatrist Provider Manual Update Transmittal #60

Docket No: 016.06.05-078F
Effective Date: 01/01/2006
Contact: Carolyn Patrick
Telephone: 501-682-8359

Prescription Drug Coverage for Dual Eligibles Covered By Medicare - DMS-2005-O-1, DMS-2005-G-2, DMS-2005-II-3, DMS-2005-L-3, DMS-2005-KK-2, DMS-2005-Q-2, DMS-2005-R-3, DMS-2005-OO-2

Docket No: 016.06.05-079F
Effective Date: 01/01/2006
Contact: Carolyn Patrick
Telephone: 501-682-8359

DMS-2005-W-3: Medical Treatment for Hurricane Katrina Evacuees

ADOPTED RULES AND REGULATIONS

Docket No: 016.06.05-102E
Effective Date: 11/17/2005
Contact: Betty Reed
Telephone: 501-682-8363

Emergency Rule: Flu Vaccine Rate Increase

INSURANCE DEPARTMENT

Docket No: 054.00.05-001F
Effective Date: 12/02/2005
Contact: Booth Rand
Telephone: 501-371-2820

Rule 84: Prepaid Funeral Benefits Contracts Recovery Funds Fees

Docket No: 054.00.05-005F
Effective Date: 01/01/2006
Contact: Sara Farris
Telephone: 501-371-2828

Rule 19 - Unfair Sex Discrimination in the Sale of Insurance

MOTOR VEHICLE COMMISSION

Docket No: 063.00.05-001F
Effective Date: 12/18/2005
Contact: Angela Stoffer
Telephone: 501-682-1428

Rule 7: Off-Premise Sales, Displays and Events

OFFICE OF INFORMATION TECHNOLOGY

Docket No: 200.00.05-004F
Effective Date: 12/17/2005
Contact: Drew Mashburn
Telephone: 501-682-5256

Arkansas General Records Retention Schedule

OIL & GAS COMMISSION

Docket No: 178.00.05-001F
Effective Date: 11/26/2005
Contact: Lawrence Bengal
Telephone: 870-862-4965

Rule B-3 - Concerning the spacing of wells

PARKS & TOURISM

Parks Division

Docket No: 013.05.05-004F
Effective Date: 01/01/2006
Contact: Sandy Burch
Telephone: 501-682-6918

Park Directive 2000: Calendar Year 2006 Fees and Rates

ADOPTED RULES AND REGULATIONS

POLLUTION CONTROL & ECOLOGY COMMISSION

Docket No: 014.00.05-008F
Effective Date: 12/16/2005
Contact: Mike Bates
Telephone: 501-682-0831

Regulation No. 30 - Hazardous Substances Remedial Action Trust Fund Priority List

PUBLIC SERVICE COMMISSION *Utilities Section*

Docket No: 126.03.05-001F
Effective Date: 12/11/2005
Contact: Diana Wilson
Telephone: 501-682-5782

Rule 6.15 - Cold Weather Rule of the General Service Rules

STATE MEDICAL BOARD

Docket No: 060.00.05-005F
Effective Date: 01/01/2006
Contact: Peggy Cryer
Telephone: 501-296-1802

Amendment to Regulation 10, Section 3.5 and 4 — Renewal Fee for License of Respiratory Therapist

Docket No: 060.00.05-006F
Effective Date: 01/01/2006
Contact: Peggy Cryer
Telephone: 501-296-1802

Amendment to Regulation 10, Section 3.5 and 4 — Renewal Fee for License of Respiratory Therapist

TEACHER RETIREMENT SYSTEM

Docket No: 088.00.05-004F
Effective Date: 12/16/2005
Contact: Julie Cabe
Telephone: 501-682-1836

Policy No. 0-1: Organization and Operation ; Removal of Policy Nos. 1-1 thru 1-15: Governance, Policy Nos. 2-1 thru 2-4: Perspectives/Ends, and Policy Nos. 3-1 thru 3-11: Executive Director Constraints and Executive Director Relationship with the Board

Docket No: 088.00.05-005F
Effective Date: 12/16/2005
Contact: Julie Cabe
Telephone: 501-682-1836

Policy No. 10-2: Conditions Under Which a Retirant May Return to Covered Service Other than by Rescinding Retirement

WORKERS' COMPENSATION COMMISSION

Docket No: 099.00.05-001F
Effective Date: 01/01/2006
Contact: Richard Lucy
Telephone: 501-682-2607

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Rule 099.03 -- Carrier Reporting Requirement

Docket No: 099.00.05-002F
Effective Date: 01/01/2006
Contact: Richard Lucy
Telephone: 501-682-2607

Rule 099.04 -- Termination of Coverage by Insurance Carrier - Employer to Obtain New Coverage

Docket No: 099.00.05-003F
Effective Date: 01/01/2006
Contact: Richard Lucy
Telephone: 501-682-2607

Rule 099.05 -- Self-Insurance Program

Docket No: 099.00.05-004F
Effective Date: 01/01/2006
Contact: Richard Lucy
Telephone: 501-682-2607

Rule 099.38 -- Third-Party Administrators



INSURANCE DEPARTMENT

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In the Matter of
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d/b/a Pate Insurance Agency

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Equity Insurance

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ORDERS AND NOTICES

LEGISLATIVE AUDIT

November 30, 2005

Agency	Period Covered
Department of Human Services	6/30/04
Arkansas State Board of Nursing	6/30/04
Arkansas Treasurer of State	6/30/04
Arkansas Treasurer of State - Disbursing Officer	6/30/04
Fund Reconciliation Report, Arkansas Treasurer of State, Auditor of State, Department of Finance and Administration	6/30/04
Department of Finance and Administration Revenue Division - Sales and Use Tax Section - Two-Year Period Ended	6/30/05
Arkansas State Military Department	6/30/04
Arkansas Public Defender Commission (Private)	6/30/04
Arkansas Public Defender Commission (Private)	6/30/05
Arkansas Development Finance Authority (Private)	6/30/05
Arkansas Safe Drinking Water Fund (Private)	6/30/05
Arkansas Construction Assistance Revolving Loan Fund Program (Private)	6/30/05
Arkansas State Medical Board (Private)	6/30/05
Arkansas Children's Hospital (Private)	6/30/05
Community Counseling Services, Inc. (Private)	6/30/05

ORDERS AND NOTICES

Community Counseling Services, Inc. (Private)	6/30/05
Counseling Clinic, Inc. (Private)	6/30/05
Delta Counseling Associates (Private)	6/30/05
Little Rock Community Mental Health Center, Inc. (Private)	6/30/05
Ozark Guidance Center, Inc. (Private)	6/30/05
Southeast Arkansas Behavioral Healthcare System, Inc. (Private)	6/30/05
Southwest Arkansas Counseling and Mental Health Center, Inc. (Private)	6/30/05
Western Arkansas Counseling and Guidance Center (Private)	6/30/05
Southwest Arkansas Planning and Development District, Inc. (Private)	6/30/05
University of Central Arkansas	6/30/05
University of Arkansas System	6/30/05
Arkansas Tech University	6/30/05
Southern Arkansas University	6/30/05
Henderson State University	6/30/05
Riverside Vocational Technical School	6/30/04

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Charlie Daniels
Arkansas Register Division
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