

# The Arkansas Register



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

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*Charlie Daniels*

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# THE ARKANSAS REGISTER

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# ATTORNEY GENERAL OPINIONS

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## Opinion No.: 2006-221

Taylor, Jerry  
*State Senator*

**RE:** Two Cleveland County elected officials and two Cleveland County employees either entered the APERS Deferred Retirement Option Program (“DROP”) and remained in their positions or retired for at least 30 days and returned to their positions. Can the county governing body legally pay these individuals, in addition to their regular salaries, an amount equal to the amount that the county would have contributed to each employee’s APERS account had the employee not entered the DROP or retired? **RESPONSE:** To the extent the limited facts available suggest the Quorum Court may, through these payments, be supplementing the retirement of these individuals, such action is suspect under A.C.A. 14-14-805(2). See also A.C.A. 24-4-106(a)(1)(A).

## Opinion No.: 2007-005

Maxwell, David  
*Director, AR Dept of Emergency*

**RE:** What is the meaning of the phrase, “Fire fighters shall maintain a minimum of six (6) hours in-house per quarter and at least a minimum of twenty-four (24) hours per year of certifiable training meeting the standards of the Arkansas Fire Training Academy,” as it appears in A.C.A. 20-22-806, regarding required certifiable training hours? Q2) In light of the definition of “firefighter” as it appears in A.C.A. 20-22-802, what is the minimum age restriction for fire fighters in Arkansas? **RESPONSE:** Q1) The statute referenced in your first question (which you have apparently inadvertently misquoted) in all likelihood means that all firefighters must undertake at least six hours of certifiable training quarterly, totaling at least 24 hours of certifiable training annually. Q2) Any firefighter who serves a city that has a civil service commission must be at least 21 years old. A.C.A. 14-51-301 (Supp. 2005). Firefighters serving other jurisdictions will be subject to any local ordinances imposing age restrictions as well as to the blanket proscription set

forth at A.C.A. 11-6-105 (Repl. 2002) against employing children under 16 in hazardous occupations. In addition, children between the ages of 16 and 18 are subject to the limitations on hours worked set forth at 11-6-110 (Supp. 2005).

## Opinion No.: 2007-006

Laverty, Randy  
*State Senator*

**RE:** Does Carroll County qualify as a multi-district county under A.C.A. 13-2-403? Q2) If the answer to q1 is “yes,” exactly what does the Western District have to do to retain the library millage collected within the District as if it were an individual county as outlined in A.C.A. 13-2-403? **RESPONSE:** With respect to your first question, in my opinion Carroll County qualifies as a multi-district county for the purposes of A.C.A. 13-2-403 (Repl. 2003). I am uncertain what Question Two of your request for an opinion is asking. With respect to the procedure by which the Western District of Carroll County would levy a tax and account for the proceeds of such a tax, Amendment 38 to the Arkansas Constitution (“Amendment 38”) and A.C.A. 13-2-401 through -409 (Repl. 2003 & Supp. 2005) provide an adequate description of procedures required. If you are inquiring whether the Western District of Carroll County may divert the proceeds from a pre-existing county-wide library tax, in my opinion such a diversion would likely be found to be violative of Arkansas law.

## Opinion No.: 2007-007

Harris, Eric  
*State Representative*

**RE:** What are the constitutional issues under Amendment 33, or other provisions of the Arkansas Constitution, related to HB 2697 of 2005 (a bill to freeze tuition rate at the level the student was charged upon initial enrollment)? Q2) Are there any other legal issues related to HB 2697 of 2005 of which I should be advised? **RESPONSE:** Q1) I believe the fundamental

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constitutional issue regarding HB2697 of 2005 is whether the legislature's freezing of tuition at freshman-year rates for students in any public institution of higher learning would encroach on a power "vested" in that institution's board, thus violating the provisions of Amendment 33. For reasons discussed in the opinion, I am unable to opine definitively whether HB2697 would be deemed constitutional in the wake of such an inquiry. My uncertainty on this score is based in part on problems of construction arising from Amendment 33 itself. It is unclear whether the power must have been "vested" as of the date of Amendment 33's adoption or whether the power might have "vested" subsequently. It is further unclear what it means for a power to "vest," although one of my predecessors has plausibly speculated it would suffice (1) if the board has traditionally exercised the power and (2) if the power involves the making of substantive policy. Finally, assuming that setting tuition policy is a power within the contemplation of Amendment 33 — a proposition that is far from settled — I question whether it would be appropriate for the legislature to enact a blanket policy applicable to all institutions of higher learning, since Amendment 33 requires a case-by-case analysis regarding whether a power falling within its ambit has "vested" in an institutional board. However, I will note that, as a matter of historical and legislative fact, the legislature has traditionally exercised considerable power over matters involving tuition in public institutions of higher learning. Q2) No.

## Opinion No.: 2007-010

Jeffress, Gene  
*State Senator*

**RE:** Can a city employee of a 2d class city hold two full-time positions as department heads (Chief of Police and Water Superintendent), and hold the title Safety Services Director? The salary for this employee comes from three separate funds: general, street, and water and sewer. **RESPONSE:** Because I am unable to evaluate the powers and duties of the "Water Superintendent" referenced in your request for an opinion, I am unable to offer a definitive opinion on

this matter. The specific duties of the "water superintendent" as well as any restrictions in the ordinance creating or authorizing such a position must be evaluated in light of the totality of the circumstances surrounding such proposed dual service. I have, however, set forth the applicable legal standards to evaluate a dual service question below.

## Opinion No.: 2007-011

Hutchinson, Donna  
*State Representative*

**RE:** Is HB1037, an act to ensure that pregnant inmates are not shackled except under limited circumstances and only using soft restraints, constitutionally suspect because of possible gender discrimination? **RESPONSE:** No.

## Opinion No.: 2007-014

Ragon, Heartsill, III  
*Gill Elrod Ragon Owen & Sherman,*

**RE:** Request for approval of an interlocal cooperation agreement between Cave Springs Municipal Property Owners' Improvement Districts Nos. 3, 5, 6, and 7 to acquire, construct, maintain, operate and finance a decentralized waste water collection, treatment and disposal system that will serve 10 subdivisions located within the City's boundaries. **RESPONSE:** Approved as submitted.

## Opinion No.: 2007-021

Ormond, Charles L.  
*c/o The Insurance Place*

**RE:** Request for certification of the popular name and ballot title of a proposed constitutional amendment to change the terms of office for certain elected officials. **RESPONSE:** Rejected due to ambiguities in the text of the proposed measure.

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## Opinion No.: 2007-022

Ormond, Charles L.  
*c/o The Insurance Place*

**RE:** Request for certification of the popular name and ballot title of a Title 7 constitutional amendment proposing lotteries and wagering in Arkansas.  
**RESPONSE:** Rejected due to ambiguities in the text of the proposed measure.

## Opinion No.: 2007-023

Webb, Kathy  
*State Representative*

**RE:** If the following measures are passed by the Little Rock Board of Directors as resolutions at an announced future board meeting, “will they have legal standing under present Little Rock municipal codes, Pulaski county or state statutes?”: Q1) Board passes a resolution stating that the Mayor nominates persons to serve on boards and commissions, subject to confirmation by the Board of Directors; Q2) Board passes a resolution proposing a future city-wide election that proposes that the Mayor votes as a member of the Board of Directors and can veto actions of the Board, subject to a 2/3 vote override by the Board; Q3) Board passes a resolution that acknowledges that the office of the Mayor is a full-time position and that it requires a commensurate salary and recommends an increase of two staff positions; Q4) Board passes a resolution that sets up a future citywide election that establishes the elimination of the at-large ward director positions; Q5) Board passes a resolution that confers the power of hiring and firing the city manager solely to the Mayor of Little Rock; Q6) Board passes a resolution that confers the power to hire and fire all city department heads; Q7) Board passes a resolution to change the number of wards within the boundaries of the City of Little Rock. Will each of these individual isolated resolutions have standing in and of themselves? If not, are there other measures and steps in the process that are required for each individually or a group of them to establish legal standing? **RESPONSE:** As

an initial matter, the Attorney General renders opinions on matters of state, not local law. This opinion is thus restricted to issues of state law. Also, in many cases, action of the city board is required through ordinance, not “resolution.” 1) Current state law authorizes the board of directors to invest the mayor with power to nominate board and commission members. 2) Current state law does not authorize the mayor to be invested with both veto power and a vote. If veto power is given, the mayor may only vote in the case of a tie. 3) The applicable statute as to compensation is 14-61-110, which authorizes the local voters to approve compensation, which may thereafter be set by ordinance of the board. 4) A city-wide election to authorize the elimination of the at-large board members is authorized at ACA 14-61-114. This statute does not appear to allow a simultaneous reduction in the number of board members if that is the intention of the fourth question. 5) Current statutes authorize the board to confer upon the mayor the power to hire and fire the city manager. 6) Under current law, the board may invest the mayor with the power to hire and fire department heads. 7) Assuming this question involves only a change in the number of wards and not a change in the method of selecting directors under 14-61-107, the relevant statute is 14-61-105. In response to the final two questions, I cannot speculate as to the myriad permutations presented or give legal advice as to how to accomplish the stated objectives. See opinion for full analysis.

## Opinion No.: 2007-024

Argue, Jim  
*State Senator*

**RE:** In view of the ruling in *Wilson v. Weiss* regarding local or special legislation, is HB 1427, which would permit grants to local entities by the Arkansas Community Assistance Commission, an unconstitutional subterfuge to attempt to evade the Constitution and rulings of the Court. **ANSWER:** While it is a close question, the answer is likely “no,” on the face of the bill. As discussed further herein, however, the fact that the Commission is appointed entirely by the legislature, while not fatal to the bill, is in my opinion relevant to the question whether there

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# ATTORNEY GENERAL OPINIONS

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is an encroachment of executive powers, in violation of the separation of powers doctrine. I am concerned that the bill may be vulnerable to legal challenges due to the absence of certain safeguards that have immunized similar legislation in other jurisdictions from attack on separation of powers grounds. I must also emphasize that the question of the bill's constitutionality may ultimately be determined by the actual degree of autonomy afforded the Commission in practice. Any suggestion that the Commission has not been afforded substantial independence will, in my opinion, likely sound HB 1427's death knell.

## Opinion No.: 2007-025

Thompson, Camille  
*Bentonville Staff Attorney*

**RE:** Is the decision of the custodian of records to redact employee evaluation or job performance records of certain other employees from internal affairs investigative files prior to releasing the files to a former police officer seeking his own records under ACA 25-19-105 (c) (2) consistent with the Act? Is the decision to withhold interview tapes from him consistent with the Act? **RESPONSE:** Generally, yes, although some of the records are not in my opinion properly classified as employee evaluation and job performance records. Certain other information may need to be redacted. Withholding the interview tapes is consistent with the Act as long as the non-exempt transcribed portions are provided.

## Opinion No.: 2007-027

R. Gunner Delay  
*Pros. Att'y, 12th Judicial District*

**RE:** Request for approval, pursuant to the Interlocal Cooperation Act of an intergovernmental agreement between Sebastian County, and the cities of Greenwood, Barling, and Central City to each fund a percentage of the operating expenses of the Greenwood District Court. **RESPONSE:** The Agreement is not governed by the Interlocal

Cooperation Act. Accordingly, my approval of the Agreement is not necessary. I will nevertheless note that a bill currently pending in the legislative session authorizes a county and city to share one half of the salary of a so-called "pilot state district court judge."

## Opinion No.: 2007-029

Broadway, Shane  
*State Senator*

**RE:** Background Information: Real estate developer filed a plat with the Saline County Planning Board and Saline County Clerk and began selling lots in the subdivision without final approval of the Planning Board. The plat and the roads were never accepted by the county. Q1) Since the roads at issue were never accepted by Saline County, who owns them? Q2) Who is responsible for the maintenance and upkeep of the roads? Q3) If the roads are deemed not to be county roads, then who can maintain and/or improve these roads? **RESPONSE:** Q1) I cannot undertake the necessary factual inquiry to decide any issues concerning claimed rights or interests in the roads. This probably depends largely upon the provisions of the deeds to the abutting property owners, the developer's original plat of the area, and the bill of assurance, as well, perhaps, as the bankruptcy proceedings. Q2) The roads in all likelihood are not the responsibility of the county, given the statement that the County never accepted them. See A.C.A. 27-66-207, 14-17-208, Op. 89-135. The roads may be the obligation of the individual land owners, but this is also ultimately a fact question.

## Opinion No.: 2007-030

Hall, Clark & Everett, Curren  
*State Representatives*

**RE:** Do provisions of the Arkansas Constitution allow constables to have an isolated revolving blue light on their vehicles? Q2) Is there a provision in the Arkansas Code that would give constables this same authority? **RESPONSE:** Blue lights, such as the isolated

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revolving blue lights mentioned in your request, are not addressed in the Arkansas Constitution. Consequently, nothing in that document authorizes constables to have such lights on their vehicles. The statutes addressing the purchase and use of blue lights, such as those mentioned in your request, are anything but clear. In my opinion, a court would likely resolve the conflict among the statutes involved by concluding that a constable, as a law enforcement officer, may purchase blue lights and install or utilize such lights as described in the opinion. Legislative clarification or judicial interpretation would be beneficial. Finally, the continuing correctness of this conclusion may be impacted should pending House Bill 1474 of 2007 be enacted.

## Opinion No.: 2007-032

Hall, Clark  
*State Representative*

**RE:** Request for an opinion on the legality of the following bills: Q1) SB22, an act to regulate the selection and use of textbooks and course materials at state-supported institutions of higher education; minimize the cost of textbooks and course materials; and other purposes. Q2) SB23, an act to regulate the selection and use of textbooks and course materials at state-supported institutions of higher education; prohibit certain single-use textbooks and course materials; minimize the cost of textbooks and course materials; and other purposes. Q3) SB25, also an act to regulate the selection and use of textbooks and course materials at state-supported institutions of higher education and prohibit certain single-use textbooks and course materials; minimize the cost of textbooks and course materials; and other purposes. **RESPONSE:** In my opinion, all three bills are vulnerable to attack pursuant to Ark. Const. amend. 33 in that they would impose blanket restrictions on institutions of higher education regarding the use of instructional materials. As this office has previously opined, Amendment 33 likely requires an institution-by-institution review of any legislative restriction placed upon an institution of higher learning, focusing on whether the restriction encroaches upon a substantive power that has vested in the institution's board by

long practice. The proposed legislation is inconsistent with this principle. All three bills might further be assailable as violating the free speech provisions of U.S. Const. amend. 1 and Ark. Const. art. 2, Sec. 6. The scope of First Amendment protections of academic speech is unclear under current law, and any First Amendment analysis would in any event entail conducting a factual review in each instance of the sort I am neither authorized nor equipped to conduct. Of the three bills, I believe SB 25 is particularly vulnerable to assault under the First Amendment because it discriminates as to the content of college textbooks. I further believe The provisions of this bill are vulnerable as unconstitutionally vague.

## Opinion No.: 2007-036

Hoyt, Johnny  
*State Representative*

**RE:** Are the provisions of HB1419, an act to create the Arkansas Milk Stabilization Act and to protect the Arkansas Dairy industry, constitutional? **RESPONSE:** Although you have not stated any particular grounds upon which the bill might be unconstitutional, it is my opinion that HB 1419 is in all likelihood unconstitutional under the Supremacy Clause of the United States Constitution in light of its conflict with the federal regulatory scheme. It is therefore unnecessary to address whether it would be unconstitutional on any other constitutional basis, including the dormant commerce clause.

## Opinion No.: 2007-037

Sample, Bill  
*State Representative*

**RE:** Is Riceland Foods, Inc., classified as an Agriculture Farm Supply Cooperative? Q2) Also, is Farm Bureau classified as an Agriculture Farm Supply Cooperative? **RESPONSE:** I assume your questions have reference to House Bill 1010, pending in the current legislative session. The term "agriculture farm supply cooperative" is not defined in Arkansas law or in the pending bill. The term "agricultural cooperative

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association,” however, is defined by Arkansas law at ACA 2-2-101 to -124. Public records available on the Secretary of State’s website indicate that Riceland Foods is organized under this subchapter but that the various entities listed in connection with the Farm Bureau are not currently organized under this subchapter. Again, however, the term “agriculture farm supply cooperative” used in HB 1010 is not a term defined in Arkansas law and I thus cannot determine whether the entities you mention would fall within that term.

## Opinion No.: 2007-039

Thompson, Robert  
*State Senator*

**RE:** In light of the decisions of the U.S. Supreme Court in *Granholm v. Heald* and *Baccus v. Diaz*, both commerce clause cases, and other cases involving equal protection and other constitutional issues, does the portion of HB1651 which would allow some wines, but not all wines, to be sold in the retail accounts created in the bill, meet constitutional requirements? Q2) The bill sets the threshold of a small winery at 250,000 gallons a year, a number many proponents of the bill readily admit was chosen to cover the largest winery in Arkansas. Does an arbitrary small winery threshold such as this meet the requirements of constitutional analysis as set out in *Granholm* and other applicable cases? **RESPONSE:** Declined to opine due to pending litigation in both state and federal court.

## Opinion No.: 2007-042

Ragland, Roy  
*State Representative*

**RE:** Pursuant to provisions of HB1722, an act to allow law enforcement agencies or local correctional facilities to hold a person arrested for DWI prior to release until the person is no longer intoxicated, please answer the following questions: Q1) When a person has an absolute right to refuse a breathalyzer test, is it unconstitutional to deny the person bond because a law enforcement officer believes the person

is intoxicated? Q2) Is it unconstitutional to hold a person prior to release under bond if the person is financially able to post bond pursuant to a standing court order? Q3) Is the bill constitutionally suspect because it does not provide guidelines concerning when or how often a person may request the administration of a chemical test for determination of the alcohol concentration in the person’s breath or blood? Q4) Is the bill constitutionally suspect because it does not provide guidelines concerning the method, manner, or protocol for the administration of a chemical test for determination of the alcohol concentration in the person’s breath or blood after an initial chemical test is performed or after a person refuses an initial chemical test? Q5) In your opinion, would HB1772 of 2007 violate any provisions of the United States Constitution or the Arkansas Constitution? **RESPONSE:** In my opinion, House Bill 1722 of 2007 would likely be held unconstitutional as a legislative encroachment on the judiciary’s power over pre-trial release by bail or order of court to the extent that it would authorize a law enforcement agency or local correctional facility to continue to hold an arrestee who has been ordered released on bail or otherwise by a court.

## Opinion No.: 2007-044

Dobbins, Sharon E.  
*State Representative*

**RE:** Do the provisions of HB 2224, a proposed act to provide legislative inspection and monitoring of the state prison system, through the Charitable, Penal and Correctional Institutions Subcommittee of the Legislative Council, violate the separation of powers doctrine? Or: Do legislators have any legal authority to investigate prisons/community correctional and juvenile facilities as part of their duties? **ANSWER:** The legislature currently has investigatory authority through the system of interim committees, including the Legislative Council. See A.C.A. 10-3-203 and 10-3-306. This power of the General Assembly to conduct investigations is in aid of the proper discharge of its function to enact prospective legislation. The provision in HB 2224 relating to the “program of inspection” of

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state correctional institutions is constitutionally suspect, however, because it may not properly be within the bounds of legislative investigation powers. The legislature may not, consistent with Ark. Const. art. 4, Secs. 1 and 2 (separation of powers), undertake to both pass laws and enforce them.

## Opinion No.: 2007-045

Luker, Jim  
*State Senator*

**RE:** Provisions of SB18, an act to expand drug court programs, (A.C.A. 16-98-301-304) also creates a drug court advisory committee consisting of representatives from the legislative, judicial and executive branches of government. Does the makeup of the advisory committee and the committee's specific authority to "approve a formula for equitable funding of drug court programs among judicial districts . . ." violate any provisions of the Arkansas Constitution and relevant case law? **RESPONSE:** Ark. Const. article 5, section 10, and article 4, sections 1 and 2 (separation of powers), prevent the service of legislators on the "Drug Court Advisory Committee." Separation of powers and Ark. Const. amendment 80, section 16(F) prohibit members of the judicial branch from serving on the Committee. And Ark. Const. article 19, section 6, prevents the service of the Chair of the Board of Corrections. To this extent, therefore, the Committee's makeup is unconstitutional.

## Opinion No.: 2007-046

Argue, Jim  
*State Senator*

**RE:** Do provisions of SB139, a bill which would provide an exemption from the Arkansas Teacher Retirement System earnings limitation of retired teachers entering into employment with the Department of Education, constitute a "legislated benefit enhancement" so as

to prevent its implementation should it become law? **RESPONSE:** This question appears more suited to an actuarial determination than a legal analysis. In my opinion, however, the legislative history surrounding the waiver provision indicates that the creation or expansion of the waiver provision has been treated by the General Assembly in the past as a "benefit enhancement." Without clear direction in SB139 as to the status of the exemption in that regard, it appears that SB139 would be construed alongside ACA 24-1-105 and would not be implemented absent a change in the accrued unfunded liabilities of the system.

## Opinion No.: 2007-050

Harris, Eric  
*State Representative*

**RE:** After all benefit recipients of local police and fire pension funds have passed away, 1) is it appropriate to transfer the remaining assets of the local pension fund to the local LOPFI account for funding their ongoing retirement costs for firefighters and police officers? 2) Also, can the remaining assets be used for any purpose other than retirement costs? **RESPONSE:** 1) The focus of the first question is somewhat unclear. If the question is whether such a transfer is legal under current law, in my opinion it is legal in only two instances; a) under 24-10-302; and b) in connection with the administration of "inactive" funds under ACA 24-11-406 (police), and 24-11-804 (fire). If the first question instead seeks an opinion as to whether it would be good public policy for the legislature to authorize such a transfer, this is a decision for the General Assembly to make, subject to any constitutional limitations. In my opinion there is no constitutional impediment to the General Assembly authorizing a transfer to support LOPFI contributions for police and fire retirement. 2) Current statutes restrict the use of the revenues to pension or retirement purposes. In addition, constitutional restrictions limit the use of any locally levied police or fire millages to the purposes for which they are levied.

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# ADOPTED RULES AND REGULATIONS

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## DEPARTMENT OF CORRECTION

Docket No: 004.00.06-003F  
Effective Date: 03/05/2007  
Contact: Robert DeGostin  
Telephone: 870-267-6371

### **AR 1305: Executive Clemency, Pardons and Commutations of Sentences**

Docket No: 004.00.06-004F  
Effective Date: 03/23/2007  
Contact: Robert DeGostin  
Telephone: 870-267-6371

### **AR 216: Accepting Gifts, Grants and Donations for the Department of Correction**

Docket No: 004.00.06-005F  
Effective Date: 03/19/2007  
Contact: Robert DeGostin  
Telephone: 870-267-6371

### **AR 864: Publications**

Docket No: 004.00.07-001F  
Effective Date: 03/05/2007  
Contact: Wendy Kelley  
Telephone: 870-267-6371

### **Sex Offender Assessment Guidelines and Procedures**

## FIRE & POLICE PENSION REVIEW BOARD

Docket No: 137.00.07-001F  
Effective Date: 04/02/2007  
Contact: David Clark  
Telephone: 501-682-1745

### **Rule 1 - Length of Time a Member May Serve as Chair and Adds the Position of Vice-Chair**

## GAME & FISH COMMISSION

Docket No: 002.00.07-001F  
Effective Date: 03/10/2007  
Contact: James Goodhart  
Telephone: 501-223-6327

### **2007 Paddlefishing Regulations**

Docket No: 002.00.07-002F  
Effective Date: 03/15/2007  
Contact: James Goodhart  
Telephone: 501-223-6327

### **2007 Entire Updated Code Book**

Docket No: 002.00.07-003F  
Effective Date: 04/08/2007  
Contact: James Goodhart  
Telephone: 501-223-6327

### **2007-2008 General Hunting Seasons and Codes**

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# ADOPTED RULES AND REGULATIONS

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## HUMAN SERVICES

### *Administrative Services*

Docket No: 016.14.07-001F  
Effective Date: 04/19/2007  
Contact: Glenda Higgs  
Telephone: 501-682-6476

### **Policy 1088 - DHHS Participant Exclusion Rule**

### *County Operations*

Docket No: 016.20.07-001F  
Effective Date: 03/11/2007  
Contact: Mae Bishop  
Telephone: 501-682-8722

### **2007 Weatherization Assistance Program**

Docket No: 016.20.07-002E  
Effective Date: 03/28/2007  
Contact: Linda Greer  
Telephone: 501-682-8257

### **Emergency Rule: FSC 07-03 and FSC 07-04: Racial/Ethnic Data Collection — DCO-215 - Revised Forms Request for Assistance; DCO-268 - Application for Recertification/Medicaid Review**

### *Division of Health*

Docket No: 016.24.06-004F  
Effective Date: 03/02/2007  
Contact: Connie Melton  
Telephone: 501-661-2201

## Rules for Hospice in Arkansas

Docket No: 016.24.07-002F  
Effective Date: 04/07/2007  
Contact: Rich Hogan  
Telephone: 501-661-2252

### **Rules Governing the Practice of Lay Midwifery in Arkansas (2007)**

### *Medical Services*

Docket No: 016.06.07-001F  
Effective Date: 03/01/2007  
Contact: Nikki Wade  
Telephone: 501-682-8292

### **2007 HCPCS & CPT Procedure Code Conversion Official Notices**

Docket No: 016.06.07-002E  
Effective Date: 03/30/2007  
Contact: Carolyn Patrick  
Telephone: 501-682-8359

### **Emergency Rule: State Plan Amendment #2007-007**

Docket No: 016.06.07-003F  
Effective Date: 04/22/2007  
Contact: Renita Honorable  
Telephone: 501-682-8577

### **State Plan #2006-014; Visual Care Update #82; Section V-DMS-0101**

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Docket No: 016.06.07-004E  
Effective Date: 04/20/2007  
Contact: Patsy Hesson  
Telephone: 501-682-8363

**Emergency Rule: Official Notice DMS-2007-L-4 - Family Planning Services**

*Services for the Blind*

Docket No: 016.10.07-001F  
Effective Date: 04/12/2007  
Contact: Kandy Cayce  
Telephone: 501-682-0332

**Staff Responsibilities and Guidelines for delivering Vocational Rehabilitation Services**

**PHARMACY BOARD**

Docket No: 070.00.07-001F  
Effective Date: 03/22/2007  
Contact: Charles Campbell  
Telephone: 501-682-0190

**Regulation 04 - Pharmacy**

Docket No: 070.00.07-002F  
Effective Date: 03/22/2007  
Contact: Charles Campbell  
Telephone: 501-682-0190

**Regulation 08 - Wholesale Distribution**

Docket No: 070.00.07-003F  
Effective Date: 03/22/2007  
Contact: Charles Campbell  
Telephone: 501-682-0190

**Regulation 09 - Pharmaceutical Care / Patient Counseling**

**PUBLIC SERVICE COMMISSION**

*Utilities Section*

Docket No: 126.03.07-001F  
Effective Date: 04/05/2007  
Contact: Diana Wilson  
Telephone: 501-682-5782

**Telecommunications Providers Rule 16.01 - Public Interest Payphone Service**

**STATE BANK DEPARTMENT**

Docket No: 003.02.07-001F  
Effective Date: 04/02/2007  
Contact: Candace Franks  
Telephone: 501-324-9019

**State Banking Rules**

Docket No: 003.02.07-002F  
Effective Date: 04/02/2007  
Contact: Candace Franks  
Telephone: 501-324-9019

**Section 7 - Trust Powers**

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# ADOPTED RULES AND REGULATIONS

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## STATE PLANT BOARD

Docket No: 003.11.06-010F  
Effective Date: 04/01/2007  
Contact: Terry Walker  
Telephone: 501-225-1598

**Circular 11: Rules on Plant Diseases and Pests - Regulating Planting of Cheniere Rice in Arkansas in 2007 and 2008**

Docket No: 003.11.07-001E  
Effective Date: 02/28/2007  
Contact: Mike Thompson  
Telephone: 501-225-1598

**Emergency Rule: Revision to Pesticide Classification Regulations - Restrictions on the application of 2,4-D in 10 Counties in Eastern Arkansas**

Docket No: 003.11.07-002E  
Effective Date: 02/28/2007  
Contact: Mike Thompson  
Telephone: 501-225-1598

**Emergency Rule: Addition of Class "G" to the Plant Board's Pesticide Classification Regulations**

Docket No: 003.11.07-003F  
Effective Date: 04/01/2007  
Contact: Tim Ellison  
Telephone: 501-225-1598

**Circular 21: Rules on Aquaculture in Arkansas — Official Standards for the Certification of Commercial Bait and Ornamental Fish in Arkansas**

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# INSURANCE DEPARTMENT

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\*\*\* No Insurance Department Orders will be listed in this edition of the *Arkansas Register*. For copies of Orders that were released during this month please call (501) 682-3527.



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# ORDERS AND NOTICES

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