

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____



Michael Preston
SECRETARY OF COMMERCE

Alan McClain
COMMISSIONER,
ARKANSAS INSURANCE
DEPARTMENT

DATE: SEPTEMBER 15, 2020
TO: ALL INTERESTED PARTIES
FROM: ARKANSAS INSURANCE DEPARTMENT
SUBJECT: RULE 121: DECLARATORY ORDERS

NOTICE OF PUBLIC HEARING

Please find attached or available by electronic publication by the Arkansas Insurance Department ("AID") Proposed Rule 121, DECLARATORY ORDERS.

Pursuant to Arkansas Administrative Procedures Act, and other applicable laws or rules, NOTICE is hereby given that a PUBLIC HEARING will be held on October 20, 2020 at 10:00 A.M., in the Second Floor Hearing Room ("Riverview Room 203"), at the Arkansas Department of Commerce, 1 Commerce Way, Little Rock, AR 72202.

The purpose of the Public Hearing will be to determine whether the Director should adopt the proposed Rule 121, "DECLARATORY ORDERS." The Arkansas Insurance Commissioner is proposing a rule which authorizes him or her to issue declaratory orders to comply with Ark. Code Ann. 25-15-206.

All interested persons are encouraged to make comments, statements or opinions to the address below or attend the Public Hearing and present, orally or in writing, statements, arguments or opinions on the proposed Rule. All licensees and other interested persons are responsible for notifying all their personnel, agents, and employees about this Public Hearing.

Persons wishing to testify or make comments are requested to submit intended statements in writing in advance. Direct your inquiries to: Booth Rand, Managing Attorney, Arkansas Insurance Department, 501-371-2820, email: booth.rand@arkansas.gov. A copy of the proposed Rule may be obtained or viewed at <https://www.insurance.arkansas.gov/pages/industry-regulation/legal/proposed-rules/>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Booth Rand", is written over a horizontal line.

Booth Rand
Managing Attorney
Arkansas Insurance Department



Michael Preston
SECRETARY OF COMMERCE

Alan McClain
COMMISSIONER,
ARKANSAS INSURANCE
DEPARTMENT

September 14, 2020

Arkansas Democrat-Gazette
P O Box 2221
Little Rock, AR 72203
Attn: Legal Ad Department
Facsimile: 501-378-3591

RE: Legal Notices: Public Hearing on Proposed Rule 121 "Declaratory Orders"

Dear Sir or Madam:

The Arkansas Insurance Commissioner ("Commissioner") is proposing to adopt Rule 121, "Declaratory Orders." In order to publish it per the Arkansas Administrative Procedure Act, as amended, we need to publish a **FULL RUN** legal ad or notice for the Director's Public Hearing for the Rule set on October 20, 2020, at 10:00 A.M., in the Second Floor Hearing Room ("Room 203, Riverview Room"), at the Arkansas Insurance Department, One Commerce Way, Little Rock, Arkansas 72202.

In compliance with Ark. Code Ann. § 25-15-204 and § 16-3-102, please find enclosed a legal ad for Notice of Public Hearing which should be published for three (3) consecutive days beginning on September 16, 2020.

Please send the billing invoices to the Arkansas Insurance Department ("Department"), at Arkansas Insurance Department, One Commerce Way, Little Rock, AR 72202 accompanied by a printed copy of the Legal Ad and proof of publication. Thank you in advance for your cooperation.

Sincerely,

Booth Rand
Managing Attorney
Arkansas Insurance Department
501-371-2820

Booth.rand@arkansas.gov

Attachment – Legal Ad for Proposed Rule 121 "Declaratory Orders"

NOTICE OF PUBLIC HEARING

The Arkansas Insurance Department will host a Public Hearing on October 20, 2020, at 10:00 AM., in the Second Floor Riverview Hearing Room, in the Arkansas Department of Commerce Building, One Commerce Way, Little Rock, Arkansas 72202. The Arkansas Insurance Commissioner is considering adopting proposed Rule 121 "Declaratory Orders" to consider adoption of a proposed rule which authorizes the Commissioner to issue declaratory orders and engage in declaratory actions, as required by the Arkansas Administrative Procedures Act in Ark. Code Ann. § 25-15-206. Copies of the proposed Rule may be obtained by writing or calling the Arkansas Insurance Department, or by visiting its Internet site at <https://www.insurance.arkansas.gov/pages/industry-regulation/legal/proposed-rules/>. For more information, please contact Ms. Brandy Wedsted, Legal Division, Arkansas Insurance Department at 501-371-2820.



Michael Preston
SECRETARY OF COMMERCE

Alan McClain
COMMISSIONER,
ARKANSAS INSURANCE
DEPARTMENT

HAND DELIVERY

Ms. Jessica Sutton, ESQ.
Arkansas Legislative Council
Arkansas Bureau of Legislative Research
State Capitol, Suite 315
Little Rock, Arkansas 72201

RE: Proposed Rule 121: "Declaratory Orders"

Dear Ms. Sutton:

Enclosed for your review and for filing with the Arkansas Legislative Council is proposed Rule 121, "Declaratory Orders."

This Rule is being filed both as an emergency rule as well as a permanent rule. Please accept these documents for permanent rule. We are separately promulgating this rule with the Executive Committee to issue this, as well, as an emergency rule.

Pursuant to Arkansas Administrative Procedures Act, and other applicable laws or rules, NOTICE is hereby given that a PUBLIC HEARING will be held on October 20, 2020, at 10:00 A.M., in the Second Floor Hearing Room, at the Arkansas Department of Commerce, 1 Commerce Way, Little Rock, AR 72202.

The purpose of the Public Hearing will be to determine whether the Director should adopt the proposed Rule 121, "DECLARATORY ORDERS." The Arkansas Insurance Commissioner is proposing a rule which authorizes the Commissioner to issue declaratory orders as required by the Arkansas Administrative Procedures Act.

I have enclosed a triplicate set of the proposed Rule, our Notice of Public Hearing, the standard Questionnaire, Financial Impact Statement as well as a summary of the proposed Rule.

Sincerely,

Booth Rand
Managing Attorney/Legal Division
booth.rand@arkansas.gov

cc: Brandy Wedsted, Administrative Analyst

BR/blw



Michael Preston
SECRETARY OF COMMERCE

Alan McClain
COMMISSIONER,
ARKANSAS INSURANCE
DEPARTMENT

September 15, 2020

Arkansas Secretary of State
State Capitol Building
Little Rock, AR 72201
Attn. Arkansas Register

Re: Rule 121, "DECLARATORY ORDERS"

Dear Secretary:

Arkansas Act 1478 of 2003 adds to requirements for adoption and re-adoption of public agency rules and regulations. In that regard, the new Act:

- (a) Requires notice of proposed Rule 121, as well as the Public Rule Hearing at the Arkansas Insurance Department, to be published by the Arkansas Secretary Of State on the Internet for thirty (30) days pursuant to Ark. Code Ann. § 25-15-218 of the Arkansas Administrative Procedure Act, as amended; and
- (b) Requires DOI filing of its adopted and proposed rules and notices with the Arkansas Secretary Of State in an electronic format acceptable to the Secretary.

In that regard, the Department has scheduled a public hearing as to proposed adoption of Rule 121. Enclosed are the DOI Notices of Public Hearing and a copy of the proposed rule.

Please arrange to publish the information in a format acceptable to the Secretary for at least 30 days in advance. Can you send us confirmation that we can use in the transcript as a public hearing exhibit?

An electronic filing will be made within the statutorily required 7 days. Thanks for your help.

Sincerely,

Brandy Wedsted
Brandy Wedsted
Administrative Analyst/Legal Division
Brandy.wedsted@arkansas.gov
501-371-2831

Enclosures