

Act 892 of the 90th Arkansas General Assembly, 2015
Senate Bill 368
To Create a Comprehensive Statewide Workforce Development System
To Coordinate Various Workforce Development Programs
To Create an Office of Skills Development

**Rules and Regulations related to Office of Skills
Development Grants**

The Department of Career Education (ACE), Office of Skills Development grants program (OSD Grants) is hereby established pursuant to Act 892 of 2015, as enacted by the 90th Arkansas General Assembly.

1. The purpose of OSD Grants is to:

- a. Strategically invest in all levels of the Arkansas workforce, from students to incumbent workers, raising education and skill levels, meeting the needs of companies operating in Arkansas, balancing workforce and employer interests, leading to greater economic achievement for workers and companies.
- b. Create a strategic grants program that targets Arkansas businesses, educational institutions, and other stakeholders, funding economically relevant training and educational efforts; that incentivizes the foregoing to strategically align, partner, and propose solutions to quantified needs in the Arkansas workforce; and through which the Governor's Workforce Cabinet and its members can proactively work with businesses, educational institutions, each other, and other stakeholders to design such strategic alignments and partnerships.
- c. Provide matching funds that leverage private sector investments in the Arkansas workforce.
- d. Collaborate with the Career Education and Workforce Development Board, as well as the Governor's Workforce Cabinet and its individual members, to maximize effective and efficient use of all Arkansas workforce development programs and funds.

**AT THE DISCRETION OF THE GOVERNOR'S WORKFORCE CABINET,
DEVIATIONS MAY BE MADE FROM THE FOLLOWING TERMS**

2. Eligibility

- a. Any for-profit or non-profit registered, legal entity that has been in operation in Arkansas during the entire twelve-month period immediately preceding the date of proposal. Exceptions may be considered on an individual basis.
- b. Entities applying for OSD Grants must be current on all state and federal tax

obligations, and there must not currently exist any ongoing or pending litigation concerning a company's tax liability, either federal or state.

- c. Recipients of training under OSD Grants must be U.S. citizens or legally authorized to work full time without restriction in the U.S.
 - d. Trainees must be employed in or otherwise residents of Arkansas, or students at an Arkansas institution.
 - e. Applicants must disclose all funding contributing to the success of the project / training.
 - f. A purpose of OSD Grants is to increase the capacity of state-supported educational institutions and organizations to supply the ongoing training needs of Arkansas companies. Where practicable, OSD Grant applicants shall use such state-supported educational institutions and organizations and leverage requested funding to increase the capacity of same to supply ongoing training needs. OSD may request additional information, including documentation, regarding the credentials and employment status or other relationship of the training provider or consultant with a state-supported institution.
 - g. Proposals must include a fiscal agent that will be responsible for managing grant funds, maintaining receipts and records, submitting the final report including financial details, and preparing for project assessments, reviews, and, as appropriate audits.
 - h. Training that is mandated by any state or federal law or regulation is generally not eligible for funding by OSD Grants. Certain safety training courses may be allowed if part and parcel to industry-specific, customized technical training. Notwithstanding the foregoing, at the discretion of the Governor's Workforce Cabinet, some training mandated by law or regulation may be fundable as Professional Development or Grow Our Own training per below.
 - i. OSD Grants funding priorities correspond to Arkansas economic development priorities. Examples of such priorities comprise manufacturing and production, transportation and material moving, computer and information technology, healthcare and life sciences, agriculture and forestry, construction, and STEM.
 - j. OSD Grants are intended to support training that raises skill levels such that earning potential increases.
 - k. Upon request, current documentation demonstrating that applicants meet the foregoing eligibility requirements must be provided.
- 3. Grant categories.** OSD Grants provides matching funds to support education and training that enhances skills in the workforce, as informed by employer needs and increased earning potential. The following terms apply to four OSD Grant categories, as detailed below: Skills Gap, Customized Technical, Professional Development, and Grow Our Own.
- OSD shall have sole responsibility, with inputs from stakeholders, for categorizing particular projects.
 - Applicants requiring and qualifying for confidential treatment of information may request and receive such treatment according to standard Arkansas state

government confidentiality terms.

- Proposals will be vetted and presented to the Governor's Workforce Cabinet, or a specially designated, inter-agency subunit thereof. The Governor's Workforce Cabinet, at its discretion, possesses final decision-making authority regarding funding.
 - For training provided by an employee of one or more company/business applicants (i.e. an internal trainer), regardless of the type of training or grant, the amount of reimbursement will be in the range of twenty-five percent (25%) to fifty percent (50%) of the total cost directly attributable to training time.
 - Proposed projects and solutions must be implemented and in ongoing mode, if not complete, within three (3) months of OSD affirmatively accepting a proposal.
 - OSD or its representative(s) may assess the status of the project at any time, including via audit, after the applicant-designated project start date.
 - A final report, including a detailed, itemized invoice, shall be submitted to OSD within thirty (30) days of the completion date identified in the funded proposal, unless the completion date is extended at the discretion of OSD. OSD shall supply the template for the final report.
 - OSD Grants payments will be reimbursements, submitted within thirty (30) days of receipt of an itemized invoice and adequate documentation as specified by OSD. Final payments will be submitted based upon receipt of a complete final report.
 - OSD shall have discretion to assess completeness of a final report and request and receive additional information.
- a. **SKILLS GAP:** addresses skills gaps relevant within a region, industry sector, or workforce segment. Though there could be exceptional cases, as determined by the Governor's Workforce cabinet, Skills Gap funding would typically not be applicable to a single employer or a proposal that will not impact a shortage of critical, technical skills.
- (1) Submit an initial Inquiry to OSD Grants.
 - (2) OSD will respond to the initial Inquiry within ten (10) business days, after which the applicant may submit a full proposal.
 - (3) Proposals are due by the fifteenth (15th) of each month. An alternative timeline may be requested, approval of which shall be at the discretion of OSD and the Governor's Workforce Cabinet.
 - (4) Where the proposal is received by the 15th of the month and the amount of funding requested is \$200,000 or less, OSD will dis/approve by the end of the month within which the proposal is received. OSD may request additional information or provide direction, such as one or more conditions, while a decision is pending, in which case the applicant must satisfy or otherwise agree to the request or condition within five (5) business days in order for the 'end of month' dis/approval time period to remain in effect.

- (5) Where the amount of funding requested is more than \$200,000, the Governor's Workforce Cabinet must convene in order to dis/approve. At its discretion, OSD may request additional information or provide direction, such as one or more conditions, while a decision is pending.
 - (6) The level of funding/reimbursement/investment will be a maximum of seventy-five percent (75%) of the total project budget.
 - (7) The quarterly maximum funding amount per applicant location for Skills Gap projects shall be \$250,000.
 - (8) Applicant contributions to the total project budget may be in cash and/or in-kind.
- b. **CUSTOMIZED TECHNICAL:** addresses the need for industry-specific, technical training, such as training specific to a company, a specialized technical skill, and/or specialized equipment; or more generalized, advanced technical training such as training related to hydraulics, programmable logic controllers, or quality improvement.
- (1) Where the amount of funding requested is more than \$50,000, submit an initial Inquiry to OSD Grants.
 - (2) OSD will respond to the initial Inquiry within ten (10) business days, after which the applicant may submit a full proposal.
 - (3) Where the amount of funding requested is \$50,000 or less, the following apply: proposals may be submitted at any time, at least fifteen (15) business days in advance of the start of training. Notification of acceptance, denial, or partial acceptance shall be provided within ten (10) business days of receipt of a proposal.
 - (4) For training with costs totaling more than \$50,000, proposals are due by the fifteenth (15th) of each month. An alternative timeline may be requested, approval of which shall be at the discretion of OSD and the Governor's Workforce Cabinet.
 - (5) Where the proposal is received by the 15th of the month and the amount of funding requested is more than \$50,000 and \$200,000 or less, OSD will dis/approve by the end of the month within which the proposal is received. OSD may request additional information or provide direction, such as one or more conditions, while a decision is pending, in which case the applicant must satisfy or otherwise agree to the request or condition within five (5) business days in order for the 'end of month' dis/approval time period to remain in effect.
 - (6) Where the proposal is received by the 15th of the month and the amount of funding requested is more than \$200,000, the Governor's Workforce Cabinet must convene in order to dis/approve. At its discretion, OSD may request additional information or provide direction, such as one or more conditions, while a decision is pending.
 - (7) The level of funding/reimbursement/investment will be a maximum of seventy-five percent (75%) of the total project budget.
 - (8) The annual maximum funding amount per applicant location for Customized Technical projects shall be \$250,000.

(9) Applicant contributions to the total project budget may be in cash and/or in-kind.

- c. **PROFESSIONAL DEVELOPMENT:** addresses the need for basic and soft skill training, particularly classroom type training and training applicable to a majority of employees, supervisors, or managers. Examples comprise training related to leadership, teamwork, professionalism, certain safety topics, Microsoft Office products, conflict resolution, core competency assessments and upgrades, and company policies and procedures.

- (1) Submit an initial Inquiry to OSD Grants.
- (2) As appropriate, certain basic and soft skill training requests may be referred to the Arkansas Department of Career Education, Adult Education Division.
- (3) OSD will respond to the initial Inquiry within ten (10) business days, after which the applicant may submit a full proposal.
- (4) Proposals may be submitted at any time, at least fifteen (15) business days in advance of the start of training. Notification of acceptance, denial, or partial acceptance shall be provided within ten (10) business days of receipt of a proposal.
- (5) The level of funding/reimbursement/investment will be a maximum of fifty percent (50%) of the total project budget.
- (6) The annual maximum funding amount per applicant location for Professional Development projects shall be \$50,000

- d. **GROW OUR OWN:** addresses the needs of companies that are (1) headquartered in Arkansas; and (2) have 250 or fewer full time employees in the entire company (at least 30 hours per week, 26 consecutive weeks per year) or otherwise may be deemed appropriate for treatment as a small business in Arkansas according to additional considerations.

- (1) Submit an initial Inquiry to OSD Grants.
- (2) OSD will respond to the initial Inquiry within ten (10) business days, after which the applicant may submit a full proposal.
- (3) Proposals are due by the fifteenth (15th) of each month. An alternative timeline may be requested, approval of which shall be at the discretion of OSD and the Governor's Workforce Cabinet..
- (4) Where the proposal is received by the 15th of the month and the amount of funding requested is \$200,000 or less, OSD will dis/approve by the end of the month within which the proposal is received. OSD may request additional information or provide direction, such as one or more conditions, while a decision is pending, in which case the applicant must satisfy or otherwise agree to the request or condition within five (5) business days in order for the 'end of month' dis/approval time period to remain in effect.
- (5) Where the amount of funding requested is more than \$200,000, the Governor's Workforce Cabinet must convene in order to dis/approve. At its discretion, OSD may request additional information or provide direction, such as one or more conditions, while a decision is pending.

- (6) The level of funding/reimbursement/investment will be a maximum of seventy-five percent (75%) of the total project budget.
- (7) The quarterly maximum funding amount per applicant location for Grow Our Own projects shall be \$250,000.
- (8) Applicant contributions to the total project budget may be in cash and/or in-kind.

4. Contact information. Means for electronic submittal and exchange of such information may be established.

- Main ACE telephone: 501-682-1500
- Web: <http://ace.arkansas.gov>
- Mailing address:

OSD Grants
Arkansas Department of Career Education
Office of Skills Development
Three Capitol Mall
Little Rock, AR 72201

5. Scoring of proposals. Though the following factors shall be qualitatively considered in the disposition of all proposals for funding, quantified scoring according to these factors shall only be required of Skills Gap and Grow Our Own grant categories. Though none are singularly determinative, these factors affect prioritization of proposals and award of OSD Grant funds. Some factors may be repetitive as relevant to multiple scoring considerations.

- a. Need and Impact – the extent to which the proposed solution addresses an impactful, strategic, quantifiable need, as evidenced by data and information presented in the proposal. Priority will be placed on solutions and training programs that:
 - Will result in credits toward or issuance of a degree in and/or the most industry-valued certifications and licenses for the subject occupation, or significant progress towards such issuance;
 - Have the most return on investment (ROI) to the state economy, such as by increasing wages and creating new jobs, as indicated in the proposal, including for the underemployed and unemployed;
 - Satisfy a quantifiable need as indicated in the proposal by performance metrics, such as a quality metric, actual and projected;
 - Are replicable, transferable, and sustainable; that increase the capacity of organizations located in Arkansas, such as secondary and post-secondary institutions, to meet similar, ongoing training needs in the field of interest throughout the state and region;
 - Address skills that are career building and enhancing, that are durable and transferable, such as from employer to employer and industry sector to industry sector, and improve a worker's overall career path;
 - Address an unmet need in the region;
 - Support increased sales and exports of products outside Arkansas.
- b. Plan – the extent to which the proposal addresses goals, details activities, benchmarks best practices, acknowledges analogous programs and eliminates duplication of effort,

and identifies measurable outcomes that comport with the spirit and purpose of the OSD Grants program and demonstrate ROI. Priority will be placed on plans that:

- Create or enhance career pathways, to the extent each pathway clearly indicates a continuous pathway for the student, including milestones, income levels, and exit and re-entry points, from K-12 through certifications, apprenticeship, licenses, degree credits, associates degree, bachelors degree, and employment and subsequent professional advancements; that demonstrate that available certifications and licenses are those most recognized by the relevant industry sector, and that credits and skills are transferable;
 - Maximize real-world, work, and/or hands-on experience during the course of the education/training program, such as via internships, part-time employment, cooperative education, field trips, tours, shadowing, and apprenticeship;
 - Emulate best practices already existing in Arkansas and elsewhere; that leverage, enhance, build capacities, and invest in talent and expertise already existing in Arkansas, such as at Arkansas educational, technical, and government institutions, in order to maximize reliance on resources located in Arkansas for recurring support and sustainability, thus minimizing costs and 'recreation of the wheel' for each programmatic and training need;
 - Demonstrate that the specific need and request framed in the proposal aligns with broader, quantified workforce, economic, regional, state, national, and employer needs.
 - Include a marketing, messaging, and/or promotional component that enhances the image and appeal of opportunities in the industry sector(s) and occupations of interest, such as by targeting the general public, parents, and/or students; that maximize leverage of free and cost-effective social and digital media tools, including videos and publications.
- c. Partnerships – the extent to which partner roles and contributions are defined that bridge gaps, such as those existing because of tradition, politics, competition, or geography; that maximize impact, as well as effective and efficient use of resources across a region, industry, or workforce segment. For the sake of maximizing funding leverage, priority will be placed on applicants possessing partnership arrangements, as demonstrated by letters of intent, organizational diagrams, articulation agreements, memorandums of understanding, and the like, that:
- Include representation from and integration of organizations representing the continuum of educational and skill level attainment, from secondary schools, to apprenticeship programs, to two-year colleges, to four-year colleges, to employers and other relevant partners;
 - Result in co-investments from multiple funding sources, such as from private, corporate, foundation, and public entities, including other government sources (e.g. WIOA, DWS, AEDC, ADHE, ADE);
 - Maximize the number of trainees, such as by including multiple employers and/or inviting non-employee students or other prospective employees to participate in and benefit from the training.
- d. Budget – the extent to which the budget provides details tied to project activities and makes most efficient use of resources to maximize impact for the workforce and ROI to the state economy, such as by:
- Investing in, building, leveraging, and utilizing resources, best practices, and expertise

- already existing in Arkansas;
- Maximizing the number of trainees per training dollar invested, such as by including multiple employers and/or inviting non-employee students or other prospective employees to participate in and benefit from the training;
- Minimizing 'recreation of the wheel';
- Maximizing sustainability and long term efficiencies.

6. Miscellaneous Terms and Conditions

- a. Recipients of OSD Grant funds shall cooperate with, as appropriate, OSD or other Governor's Workforce Cabinet members to survey, identify, quantify, and prioritize, workforce education and training needs and solutions.
- b. Final decisions regarding all aspects of the OSD Grants program are subject to the Governor's Workforce Cabinet. More particularly, OSD and the Governor's Workforce Cabinet have sole authority and discretion to determine whether a specific use of OSD Grants is reasonable and allowable.
- c. The proposed training provider, its credentials and rates and references, and its relationship(s) to other parties involved in the proposal, must be provided by the applicant(s).
- d. Training programs created with funding contributed by OSD Grants must be fully disclosed to the Arkansas Department of Career Education and are eligible to be replicated and reused at no additional cost by Arkansas State Government agencies to support the non-commercial, not for profit purposes described herein. This part 'd' strictly prohibits sharing or using confidential or proprietary information other than for carrying out the narrow purposes specifically identified.
- e. All records related to OSD Grants, financial and otherwise, shall be retained by funding recipients for a minimum of five (5) years and shall be made available for inspection and audit, at the expense of the State of Arkansas, upon reasonable request.
- f. No person shall be excluded from receiving the benefits of OSD Grants on the basis of gender, race, color, national origin, age, religion, marital status, sex or sexual orientation, or disability.
- g. The following, at the sole discretion of OSD and the Governor's Workforce Cabinet, may be cause for denial of a proposal for funding or termination, cancellation, or postponement of funding and support under the OSD Grants program:
 - i. Noncompliance with these rules and regulations or the spirit or purpose of the OSD Grants program.
 - ii. Labor dispute or strike that impacts the ability to accomplish the purposes described herein.
 - iii. An event or events, not within the control of the applicants, OSD, or the Governor's Workforce Cabinet, that make performance hereunder impracticable.
 - iv. Unavailability of funds.

This Regulation shall take effect and be in full force on and after _____.

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Department of Career Education
DIVISION Office of Skills Development
DIVISION DIRECTOR Brian Rogers
CONTACT PERSON Brian Rogers
ADDRESS #3 Capitol Mall, Little Rock, AR 72201
PHONE NO. 501-683-1152 FAX NO. 501-682-1509 E-MAIL robert.rogers@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Brian Rogers
PRESENTER E-MAIL robert.rogers@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Rules and Regulations for Office of Skills Development Grants
2. What is the subject of the proposed rule? Regulation of Office of Skills Development grants from the Skills Development Fund
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒
If yes, please provide the federal rule, regulation, and/or statute citation. _____
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒
If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes ☐

No ☐

5. Is this a new rule? Yes ☒ No ☐

If yes, please provide a brief summary explaining the regulation. The regulation governs Office of Skills Development grants from the Skills Development Fund, both created by Act 892. These grants target employer and labor market informed workforce development under the guidance of the five agency Governor's Workforce Cabinet.

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule?

Yes ☐

No ☒

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Act 892 of the Regular 2015 Session

7. What is the purpose of this proposed rule? Why is it necessary? To implement the grants program, authorized by Act 892 of 2015, to be administered by the Department of Career Education Office of Skills Development from the Skills Development Fund.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). <http://ace.arkansas.gov/newsEvents/Pages/default.aspx>

9. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

January 11th, 2016

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

March 1, 2016

12. Do you expect this rule to be controversial? Yes ☐ No ☒

If yes, please explain.

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?
Please provide their position (for or against) if known.

Groups: employers falling within the industry sectors of highest priority to the Arkansas economy; secondary and postsecondary educational institutions; economic development entities such as chambers of commerce and the Delta Regional Authority; Arkansas State Departments of Education, Higher Education, Workforce Services, and the Arkansas Economic Development Commission.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Career Education
DIVISION Office of Skills Development
PERSON COMPLETING THIS STATEMENT Brian Rogers
TELEPHONE NO. 501-683-1152 **FAX NO.** (501)682-1509 **EMAIL:** robert.rogers@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules and Regulations for Office of Skills Development Grants

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

- (b) The reason for adoption of the more costly rule;

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue	<u>not applicable</u>
Federal Funds	<u>not applicable</u>
Cash Funds	<u>not applicable</u>
Special Revenue	<u>not applicable</u>
Other (Identify)	<u>not applicable</u>

Next Fiscal Year

General Revenue	<u>not applicable</u>
Federal Funds	<u>not applicable</u>
Cash Funds	<u>not applicable</u>
Special Revenue	<u>not applicable</u>
Other (Identify)	<u>not applicable</u>

Total N/A

Total N/A

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue	<u>not applicable</u>
Federal Funds	<u>not applicable</u>
Cash Funds	<u>not applicable</u>
Special Revenue	<u>not applicable</u>
Other (Identify)	<u>not applicable</u>

Total N/A

Next Fiscal Year

General Revenue	<u>not applicable</u>
Federal Funds	<u>not applicable</u>
Cash Funds	<u>not applicable</u>
Special Revenue	<u>not applicable</u>
Other (Identify)	<u>not applicable</u>

Total N/A

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ N/A

Next Fiscal Year

\$ N/A

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ N/A

Next Fiscal Year

\$ N/A

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
 - (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
 - (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
 - (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.