

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

DEPARTMENT/AGENCY ARKANSAS STATE BANK DEPARTMENT  
DIVISION LEGAL  
DIVISION DIRECTOR JOHN AHLEN, CHIEF COUNSEL  
CONTACT PERSON BARBARA MAHONEY, RESEARCH PROJECT ANALYST  
ADDRESS 400 HARDIN ROAD, SUITE 100, LITTLE ROCK, AR 72211  
PHONE NO. 324-9019 FAX NO. 324-9028 E-MAIL bmahoney@banking.state.ar.us  
NAME OF PRESENTER AT COMMITTEE MEETING JOHN AHLEN  
PRESENTER E-MAIL jahlen@banking.state.ar.us

**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  
Room 315, State Capitol  
Little Rock, AR 72201

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1. What is the short title of this rule? CORPORATE FILE

2. What is the subject of the proposed rule? To clarify what documents are contained in a bank's corporate file.

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? NA

When does the emergency rule expire? NA

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.

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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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.

NA

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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 Arkansas Code citation.

ACA § 23-46-205(b)(1) Grants power to make regulations

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7. What is the purpose of this proposed rule? Why is it necessary?

To clarify what documents are contained in a bank's corporate file at the State Bank Department. To be more specific on documents the State Bank Department maintains in bank corporate files.

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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).

WWW.SOS.ARKANSAS.GOV - ONLINE SERVICES - ADMINISTRATIVE RULES SEARCH

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

If yes, please complete the following:

Date: 02/16/2017

Time: 10:00 AM

Place: 400 HARDIN ROAD, SUITE 100, LITTLE ROCK, AR 72211

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

February 16, 2017

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

May 1, 2017

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

If yes, please explain. NA

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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.

ALL ARKANSAS STATE-CHARTERED BANKS

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**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** ARKANSAS STATE BANK DEPARTMENT  
**DIVISION** LEGAL  
**PERSON COMPLETING THIS STATEMENT** BARBARA MAHONEY  
**TELEPHONE NO.** 324-9019 **FAX NO.** 324-9028 **EMAIL:** bmahoney@banking.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** CORPORATE FILE

1. Does this proposed, amended, or repealed rule have a financial impact? Yes  No
2. Does this proposed, amended, or repealed rule affect small businesses? Yes  No   
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.  
NA

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

<u><b>Current Fiscal Year</b></u>	<u><b>Next Fiscal Year</b></u>
General Revenue <u>0</u>	General Revenue <u>0</u>
Federal Funds <u>0</u>	Federal Funds <u>0</u>
Cash Funds <u>0</u>	Cash Funds <u>0</u>
Special Revenue <u>0</u>	Special Revenue <u>0</u>
Other (Identify) <u>0</u>	Other (Identify) <u>0</u>
Total <u>0</u>	Total <u>0</u>

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

<u><b>Current Fiscal Year</b></u>	<u><b>Next Fiscal Year</b></u>
\$ <u>0</u>	\$ <u>0</u>

NA

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

<u><b>Current Fiscal Year</b></u>	<u><b>Next Fiscal Year</b></u>
\$ <u>0</u>	\$ <u>0</u>

NA

## PROPOSED RULE

### 46-101.3 G. Corporate File.

A bank's corporate file includes its: Articles of Incorporation, Amendment to Articles of Incorporation, list of stockholders, Articles of Merger, and other relevant documents. A bank's corporate file is subject to disclosure with the exception of any information in support of a petition for a stock transfer since such supportive information is confidential.

46-101.3 G. Corporate "File".

A bank's corporate file ~~contains the following~~ includes its: Articles of Incorporation, Amendment to Articles of Incorporation, list of stockholders, Articles of Merger, and other relevant documents. ~~The~~ A bank's corporate file is subject to disclosure with the exception of any information in support of a petition for a stock transfer since such supportive information is confidential.



# Arkansas State Bank Department

Candace A. Franks  
Commissioner

Asa Hutchinson  
Governor

## MEMORANDUM

TO: DONNA K. DAVIS, BUREAU OF LEGISLATIVE RESEARCH  
FROM: CANDACE A. FRANKS, DEPUTY BANK COMMISSIONER  
SUBJECT: REGULATIONS

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Please find below a brief synopsis of Arkansas State Bank Department regulations:

### MESSENGER SERVICE

Amends existing rule A.C.A. § 47.101.7 to reflect current bank and messenger service business practices.

### PUBLICATION REQUIREMENTS

Amends existing rule A.C.A. § 46.403.1 to clarify the publication requirements for a proposed application coming before the State Banking Board.

### CORPORATE FILE

Amends existing rule A.C.A. § 46.101.3 G. to clarify what documents are contained in a bank's corporate file.