

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
State Bank Department				
Refer for Group Consideration				
46-101.2 Fees for Copies Provided Pursuant to Request				ID#: 1033
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). Ark. Code Ann. § 25-19-105(d)(3)(A) provides that a state agency may charge a fee for copying requested public records under the Arkansas Freedom of Information Act. Ark. Code Ann. § 23-46-101(c) specifically grants the Bank Commissioner the power to promulgate regulations with regard to the disclosure of confidential information. This regulation establishes the fee schedule for requested documents and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1033/Final/Rule 46-101.2.pdf				
46-101.3 Confidential or Non-Confidential Status of Bank Department Records				ID#: 1036
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	07/20/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). Ark. Code Ann. § 23-46-101(c) specifically grants the Bank Commissioner the power to promulgate regulations with regard to the disclosure of confidential information. This regulation clarifies which agency documents are confidential or non-confidential under A.C.A. § 23-46-101 and protects state banks' sensitive, proprietary information. Federal law provides similar protections for confidential bank information held by federal agencies, and this regulation ensures such information is protected at the state level as well. For these reasons, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1036/Final/Rule 46-101.3.pdf				
46-101.3.g Corporate File				ID#: 1097
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	05/22/2017
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule was amended by the Bank Department in 2017. This regulation clarifies internal agency procedures by establishing what documents should be included in a bank's corporate file. For this reason, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1097/Final/Rule 46-101.3.pdf				

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	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
46-203 Certified Copies and Certificates of Good Standing Fees				ID#: 1042
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). As the chartering authority for Arkansas state chartered banks, we are responsible for issuing a Certificates of Good Standing upon request. This rule establishes the fee schedule for certified copies and Certificates of Good Standing and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1042/Final/Rule 46-203.pdf				
46-207.1 Interest in State Banks; Participation In				ID#: 1046
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). Ark. Code Ann. § 23-46-207(b)(1) prohibits person covered by the statute to receive credit from a state chartered financial institution but permits a person subject to the statute to be a depositor and to participate in overdraft programs offered to depositors at a state chartered financial institution if permitted by the Bank Commissioner by rule. This rule clarifies that a person subject to Ark. Code Ann. § 23-46-207 may be a depositor in any state chartered bank and participate in overdraft programs so long as the programs are regularly offered as a customer service of the institution. For this reason, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1046/Final/Rule 46-207.1.pdf				
46-304.1 Applications				ID#: 1048
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This regulation clarifies what information the agency may request on its application forms. Application requirements must be identified for the public, and this rule should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1048/Final/Rule 46-304.1.pdf				
46-305.1 Application/Documents				ID#: 1052
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	09/19/2005
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This regulation permits applications to be submitted in electronic formats, which makes the application process more efficient and less expensive for applicants. For these reasons, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1052/Final/Rule 46-305.1.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
46-402.1 Meetings of the Board; Regular Meeting Dates				ID#: 1054
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the date and time when regular State Banking Board meetings are held. Banking Board meetings are public and this rule provides clear guidance to the public on when meetings will be held. For this reason, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1054/Final/Rule 46-402.1.pdf				
46-403.1 Publication Requirements. Applications Before the State Banking Board				ID#: 1060
Statutory Authority: A.C.A. 23-46-205	06/24/1999	07/16/1999	07/06/1999	05/22/2017
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule was amended by the Bank Department in 2017. A.C.A. §23-46-403 provides that applications submitted under the statute “shall give notice of filing in accordance with State Bank Department regulations.” This rule establishes the notice requirements for applications submitted under A.C.A. § 23-46-403 as is required by the statute. For this reason, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1060/Final/Rule 46-403.1.pdf				
46-404.1 Application Filing Fees. Applications to be Presented to the State Banking Board				ID#: 1079
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). A.C.A. § 23-46-404 states the State Banking Board shall have the power to set fees to defray the costs associated with processing and investigating applications. This rule establishes the fee schedule for such applications in accordance with the statute, and this rule should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1079/Final/Rule 46-404.1.pdf				
46-404.2 Application Filing Fees. Applications which are not filed before the State Banking Board				ID#: 1080
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). A.C.A. § 23-46-404 states the State Banking Board shall have the power to set fees to defray the costs associated with processing and investigating applications. This rule establishes the fee schedule for such applications in accordance with the statute, and this rule should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1080/Final/Rule 46-404.2.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
46-406.1 Hearings. Filing Fees for Written/Official Protests				ID#: 1081
Statutory Authority: A.C.A. 23-46-205 <input type="checkbox"/> Required under State or Federal Law: (none) Requirement Statement: (none) Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). A.C.A. § 23-46-407 requires the State Bank Department to set a fee between \$2,000.00 and \$5,000.00 for the filing an application protest under the statute. This rule sets the fee amount as required by statute and should be enforced. Subject Matter Committee: Insurance & Commerce Committees Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1081/Final/Rule 46-406.1.pdf	05/20/1997	06/19/1997	06/09/1997	03/22/2007
46-406.2 Adjudicative Hearings Before the State Banking Board and/or Commissioner				ID#: 1082
Statutory Authority: A.C. A. 23-46-205 <input type="checkbox"/> Required under State or Federal Law: (none) Requirement Statement: (none) Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes internal agency procedures for conducting adjudicative hearings and is in current use by the State Bank Department. This rule should be enforced for these reasons. Subject Matter Committee: Insurance & Commerce Committees Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1082/Final/Rule 46-406.2.pdf	05/20/1997	06/19/1997	06/09/1997	03/22/1997
46-407.1 Rehearing Modifications				ID#: 1083
Statutory Authority: A.C.A. 23-46-205 <input type="checkbox"/> Required under State or Federal Law: (none) Requirement Statement: (none) Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that until a final written decision is served to the parties of hearing the Bank Commissioner or State Bank Board may reverse, modify, or rehear a decision formerly reached. The rule should be enforced for this reason. Subject Matter Committee: Insurance & Commerce Committees Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1083/Final/Rule 46-407.1.pdf	05/20/1997	06/19/1997	06/09/1997	
46-509.1 Assessment Fees				ID#: 1085
Statutory Authority: A.C.A. 23-46-205 <input type="checkbox"/> Required under State or Federal Law: (none) Requirement Statement: (none) Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule requires assessment fees payable to the State Bank Department under Ark. Code Ann. § 23-46-509 be sent by automated processing (i.e. electronically). Use of the automated process is more efficient and reduces risk for the assessed entities and the State Bank Department. This rule should be enforced for these reasons. Subject Matter Committee: Insurance & Commerce Committees Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1085/Final/Rule 46-509.1.pdf	07/19/2001	09/07/2001	08/28/2001	

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	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
46-511.1 Bank Retention of Records				ID#: 1086
Statutory Authority: A.C.A. 23-46-205	10/16/1997	11/20/1997	11/10/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). Ark. Code Ann. § 23-46-511(d) requires the Bank Commissioner to establish by rule the period and type of records retained by state banks or subsidiary trust companies in addition to those required by statute. The record retention schedule established by this rule gives state banks and our examiners guidance on what documents shall be kept and for how long. This rule is required by statute and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1086/Final/Rule 46-511.1.pdf				
47-101.1 Warehousing Mortgages and Other Loans				ID#: 1088
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that mortgages or other loans will not count towards the state bank's legal lending limit if the state bank is acting as an agent in warehousing mortgages and gives state banks greater freedom in conducting this type of business. There is no statutory guidance regarding this issue, and for this reason, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1088/Final/Rule 47-101.1.pdf				
47-101.2 Incidental Powers				ID#: 1089
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that the Bank Commissioner and State Banking Board reference the Comptroller of the Currency's interpretation of the National Bank Act in their assessment of what constitutes "powers incidental to the business of banking" under Ark. Code Ann. § 23-47-101(b). However, the rule further clarifies that state banks shall not be permitted to exercise powers not authorized in Arkansas Code. This rule permits state banks to engage in activities similar to nationally chartered banks and ensures that national banks do not have a competitive advantage over state banks in Arkansas. This rule should be enforced for these reasons.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1089/Final/Rule 47-101.2.pdf				
47-101.2.a Gift Card Disclosures				ID#: 1091
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	07/20/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). Additionally, the Fair Gift Card Act (Act 304 of 2007, codified at Ark. Code Ann. § 4-88-701, et seq.), gave the State Bank Department regulatory authority over the sale of gift cards by state chartered banks, and the Fair Gift Card Act states the State Bank Department "shall promulgate rules" pertaining to the sale of such gift cards. See Ark. Code Ann. § 4-88-706. This rule was adopted to meet this mandate, and since the Fair Gift Card Act is still in force, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1091/Final/Rule 47-101.2(a).pdf				

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	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
47-101.3 Wild Card Statute				ID#: 1093
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). Ark. Code Ann. § 23-47-101(c) authorizes the Bank Commissioner to permit state banks to engage in the same activities as national banks. This rule clarifies that such authority may only be granted by a written order from the Bank Commissioner. This regulation should be enforced since it provides the specific requirements and procedures by which the Bank Commissioner may invoke the Wild Card Statute.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1093/Final/Rule 47-101.3.pdf				
47-101.4 Disposition of Income from the Sale of Credit Life Insurance or Debt Cancellation Contracts				ID#: 1094
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule is required in order to provide details on the limitations for the disposition of income from the sale of credit life insurance or debt cancellation contracts, and for this reason, should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1094/Final/Rule 47-101.4.pdf				
47-101.5 Guaranties				ID#: 1098
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule is required in order to detail the circumstances under which a bank may serve as a guarantor, and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1098/Final/Rule 47-101.5.pdf				
47-101.6 Computer Services by Bank or Operating Subsidiary				ID#: 1099
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule permits state banks to use computer services in the same manner as national banks. This makes our state banks more efficient and keeps them competitive with national banks. For these reasons, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1099/Final/Rule 47-101.6.pdf				

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	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
47-101.7 Messenger Service				ID#: 1101
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	05/22/2017
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule was amended by the Bank Department in 2017 to update the rule to reflect current business practices. The rule permits messenger services to pick up deposits from bank customers and electronically deposit the funds with the bank instead of making a physical delivery to the bank. This rule permits state banks to operate more efficiently and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1101/Final/Rule 47-101.7.pdf				
47-101.8 Power to Borrow				ID#: 1102
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that with the exception of issuing capital notes, borrowing by state banks does not require the Bank Commissioners prior approval, and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1102/Final/Rule 47-101.8.pdf				
47-204.1 Identification Requirements for the Transfer or Closure of Pay on Death Deposit Accounts				ID#: 1108
Statutory Authority: A.C.A. 23-46-205	08/04/2015	11/02/2015	09/29/2015	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). Ark. Code Ann. §23-47-204(e)(4) states that the State Bank Department shall promulgate rules establishing the procedures a state bank must take before transferring ownership, closing, and distributing proceeds from a deposit account. This rule establishes these procedures, and since Ark. Code Ann. § 23-47-204(e)(4) is still a current law, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1108/Final/Rule 47-204.1.pdf				
47-401.1 Investment, Corporate Debt Obligations				ID#: 1110
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	09/03/1999
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies what debt securities a bank may hold and the limited circumstances in which a bank may hold stock. This rule provides needed guidance to state chartered banks and promotes safe and sound banking practices. For these reasons, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1110/Final/Rule 47-401.1.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
47-401.2 Investment, Consumer Paper				ID#: 1114
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	09/19/2005
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies state banks' loan limit for consumer paper. This limit helps ensure safe and sound banking practices and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1114/Final/Rule 47-401.2.pdf				
47-401.3 Revenue Obligations				ID#: 1115
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies the limits on how many revenue bonds a state bank may hold. This promotes the safety and soundness of state banks by limiting the amount of bonds being held to 20% of the bank's capital. For this reason, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1115/Final/Rule 47-401.3.pdf				
47-401.4 Trading Accounts				ID#: 1203
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes procedures for state banks to follow if they decide to establish a trading account. This rule promotes safe and sound banking practices and helps to mitigate risk for banks wishing to engage in this high risk business activity. For these reasons, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1203/Final/Rule 47-401.4.pdf				
47-501.2 Combining Loans to Parent Corporations and Subsidiary, and Loans to Separate Subsidiaries				ID#: 1120
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies how loan limits should be calculated in regard to loans made to a parent corporation and its subsidiary. This rule promotes safe and sound banking practices and helps to mitigate risk for banks. For these reasons, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1120/Final/Rule 47-501.2.pdf				

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	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
47-501.3 Total Indebtedness				ID#: 1121
Statutory Authority: A.C.A. 23-46-205	10/11/2012	01/01/2013	11/08/2012	
<input checked="" type="checkbox"/> Required under State or Federal Law: Section 611 of the Dodd-Frank Wall Street Reform and Consumer Protection Act				
Requirement Statement: Federal Mandate				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This regulation was adopted to permit state chartered banks to engage in derivative transactions under 12 U.S.C. 84(b)(3) in accordance with Section 611 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Since Section 611 of the Dodd-Frank Wall Street Reform and Consumer Protection Act is still current law, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1121/Final/Rule 47-501.3.pdf				
47-502.1 Drafts or Bills of Exchange				ID#: 1123
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations as may under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies how the statutory exemption for drafts and bills of exchange from loan limits is applied under Ark. Code Ann. 23-47-502. For this reason, the statute should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1123/Final/Rule 47-502.1.pdf				
47-502.2 Obligations Drawn Against Existing Values				ID#: 1124
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies how the statutory exemption for obligations drawn against existing values is applied under Ark. Code Ann. §23-47-502. For this reason, the statute should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1124/Final/Rule 47-502.2.pdf				
47-502.3 Obligations Secured by Certain Transferable Documents of Title				ID#: 1126
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies how the application of the 115% collateral margin applies to livestock and commodities, and for this reason, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1126/Final/Rule 47-502.3.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
47-502.4 Obligations Guaranteed by Farm Service Agency				ID#: 1142
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that obligations guaranteed by the Farm Service Agency or the United States Department of Agriculture are free from loan limitations, and this rule should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1142/Final/Rule 47-502.4.pdf				
47-502.5 Loans Secured by Certificate of Deposit				ID#: 1143
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that a loan secured by a commercial bank certificate of deposit is not subject to a bank's legal loan limit, and this rule should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1143/Final/Rule 47-502.5.pdf				
47-502.6 Loan Commitments and Standby Letters of Credit				ID#: 1144
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that letters of credit are subject to a bank's legal loan limit effective on the date the letter of credit is issued regardless of whether it has been funded or not. This rule addresses a critical component for the analysis of a loan portfolio and provides for safe and sound banking practices. For these reasons, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1144/Final/Rule 47-502.6.pdf				
47-603.1 Bank Service Companies				ID#: 1116
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies the creation, use, and ownership of bank service companies under Ark. Code Ann. § 23-47-603 and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1116/Final/Rule 47-603.1.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
47-603.2 Limitation of Investment				ID#: 1117
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that the aggregate of loans to and investment in a bank service company cannot exceed twenty percent of a state bank's capital. This rule promotes safe and sound banking practices and for this reason, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1117/Final/Rule 47-603.2.pdf				
47-701.1 Activities not Requiring Trust Powers				ID#: 1146
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies which banking activities do not require trust powers under Ark. Code Ann. § 23-47-701 and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1146/Final/Rule 47-701.1.pdf				
47-701.2 Federal Deposit Insurance Corporation and Federal Reserve Approval				ID#: 1147
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that a bank must seek approval from their federal regulator before adopting trust powers. This rule promotes safe and sound banking practices and for this reason, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1147/Final/Rule 47-701.2.pdf				
47-701.3 Title to Trust Securities in Name of Nominee				ID#: 1148
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the procedures for a bank to place title to trust securities in the name of a nominee, and this rule should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1148/Final/Rule 47-701.3.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
47-701.4 Common Trust Fund				ID#: 1149
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the specific procedures for establishing a common trust fund and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1149/Final/Rule 47-701.4.pdf				
47-701.5 Individual Retirement Account				ID#: 1151
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule offers guidance on how banks with and without trust powers may accept deposits into individual retirement accounts and directs banks to federal law and regulations for further guidance regarding the administration of such accounts. This rule should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1151/Final/Rule 47-701.5.pdf				
47-701.6 Keogh Plan				ID#: 1153
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule provides that bank activities under a Keogh Plan are governed by 26 USC 404(e). This rule harmonizes state and federal banking practices and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1153/Final/Rule 47-701.6.pdf				
47-701.7 Bank as Trustee; Voting of Own Shares				ID#: 1157
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule adopts 12 U.S.C. 61 of the National Banking Act in regard to a trustee voting the shares of the bank in the election of the bank's directors and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1157/Final/Rule 47-701.7.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
47-701.8 Trust Policies				ID#: 1158
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule requires all state banks exercising trust powers to adopt a trust policy setting the trust department's investment practices, voting practices, and administrative polices. This rule promotes safe and sound banking practices and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1158/Final/Rule 47-701.8.pdf				
47-701.9 Fudiciary Powers of State Banks				ID#: 1159
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies what the fiduciary powers of state banks are and establishes procedures for the administration of fiduciary accounts. On the whole, this rule provides necessary guidance for state banks and promotes safe and sound banking practices. For these reasons, the rule should be enforced. However, please note, the Bank Department has identified a section (Section (a)(9) regarding collective investment funds) of this rule which is obsolete, and the Bank Department is in the process of repealing this section under regular APA procedures.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1159/Final/Rule 47-701.9.pdf				
47-705.1 Trust Deposits Awaiting Investment or Distribution				ID#: 1154
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the procedure using trust deposits awaiting investment or distribution under Ark. Code Ann. §23-17-705 and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1154/Final/Rule 47-705.1.pdf				
48-103.1 Legal Holidays; Applicable Law				ID#: 1041
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). Banks and trust companies are required to be open at least four business days a week under A.C.A. § 23-48-103. However, a bank may be closed additional days if they are a designated state or federal holiday. Id. This regulation clarifies that legal holidays for state chartered banks are those established under A.C.A. § 1-5-101 and those established by the Board of Governors of the Federal Reserve System. For these reasons, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1041/Final/Rule 48-103.1.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
48-202 Penalty-Failure to Maintain Reserve				ID#: 1181
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes an eight percent per annum penalty for banks who fail to maintain adequate reserves under Ark. Code Ann. §23-48-202. This rule promotes the safety and soundness of state banks, and for this reasons, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1181/Final/Rule 48-202.pdf				
48-203.1 Dividends				ID#: 1165
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule requires that a state bank paying dividends under Ark. Code Ann. § 23-48-203 to obtain prior approval from the Bank Commissioner if the dividend payment shall amount to seventy-five percent or more of the net profits of the bank. This rule promotes the safety and soundness of state banks, and for this reason, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1165/Final/Rule 48-203.1.pdf				
48-203.2 Prior Approval				ID#: 1529
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule requires a state bank to receive prior approval for the payment of dividends under Ann. Code Ann. § 23-48-202 under certain circumstances. This rule promotes the safety and soundness of state banks, and for this reason, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1529/Final/Rule 48-203.1.pdf				
48-307.1 Charter Amendment Application for Change of Bank Corporate Name				ID#: 1103
Statutory Authority: A.C.A. 23-46-205	10/04/2001	11/15/2001	11/05/2001	08/27/2009
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the procedures and notice requirements for submitting a charter amendment for changing the corporate name of a state bank, and for this reason, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1103/Final/Rule 48-307.1.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
48-309.1 Reversation of Bank Corporate Name				ID#: 1105
Statutory Authority: A.C.A. 23-46-205	10/04/2001	11/15/2001	11/05/2001	08/27/2009
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the procedures for reserving a name for a state bank, and for this reason, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1105/Final/Rule 48-309.1.pdf				
48-309.2 Bank Fictitious Names				ID#: 1182
Statutory Authority: A.C.A. 23-46-205	10/04/2001	11/15/2001	11/05/2001	08/27/2009
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the procedures for adopting a fictitious name under Ark. Code Ann. § 23-48-309 and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1182/Final/Rule 48-309.2.pdf				
48-310.1 Appeal of Commissioner Decision on Minimum Capital Requirements to State Banking Board				ID#: 1087
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the procedures for appealing the Bank Commissioner's decision regarding a bank's minimum capital requirements under Ark. Code Ann. §23-48-310 to the State Banking Board. This rule provides banks with a clearly delineated appeals process that is not provided by statute. For this reason, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1087/Final/Rule 48-310.1.pdf				
48-311.1 Payment for Stock				ID#: 1166
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that a bank may not issue stock against a purchaser's promissory note under Ark. Code Ann. §23-48-311 because it is not permitted under Section 8, Article 12 of the Arkansas Constitution as held by the Arkansas Supreme Court in several cases. The rule should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1166/Final/Rule 48-311.1.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
48-311.2 Discriminatory Sale of Stock				ID#: 1167
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that when new shares of a bank are sold free of preemptive rights that the bank directors have a fiduciary duty to fix a reasonable price for the shares sold. This rule prevents the dilution of existing shareholders' shares and helps protect shareholder rights. For these reasons, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1167/Final/Rule 48-311.2.pdf				
48-313.2 Fractional Shares; Scrip				ID#: 1169
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies when and how fractional shares or scrips may be issues by a state bank and should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1169/Final/Rule 48-313.2.pdf				
48-314.1 Preemptive Rights				ID#: 1170
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies the preemptive rights of shareholders of banks chartered prior to May 30, 1997, and banks chartered after May 30, 1997. There are significant numbers of state banks that were chartered before and after May 30, 1997, and therefore, providing this clarification is still necessary. For this reason, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1170/Final/Rule 48-314.1.pdf				
48-314.2 Waiver of Preemptive Rights				ID#: 1171
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies the means by which a shareholder may waive his or her preemptive rights under Ark. Code Ann. § 23-48-314 and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1171/Final/Rule 48-314.2.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
48-315.1 Capital Notes				ID#: 1106
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies how state banks may issue capital notes under Ark. Code Ann. § 23-48-315 and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1106/Final/Rule 48-315.1.pdf				
48-315.2 Federal Regulations				ID#: 1107
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule adopts Federal Reserve and FDIC regulations regarding the average weighted maturity of capital notes. This rule harmonizes state and federal banking practices and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1107/Final/Rule 48-315.2.pdf				
48-316.1 Stock Issuance to be Reported				ID#: 1172
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that initial issuance of shares issued by a state bank or bank holding company must be report in each instance and when it is issued. For these reasons, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1172/Final/Rule 48-316.1.pdf				
48-316.3 Information Required on Reported Transfers				ID#: 1174
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies what information must be provided to the Bank Commissioner when a transfer of stock occurs under Ark. Code Ann. § 23-48-316 and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1174/Final/Rule 48-316.3.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
48-317.1 Transfers Affecting Change in Control				ID#: 1161
Statutory Authority: A.C.A. 23-46-205 <input type="checkbox"/> Required under State or Federal Law: (none) Requirement Statement: (none) Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies what qualifies as a change of control under Ark. Code Ann. § 23-48-317. It also establishes change of control application procedures and sets the application fee. Changes of control are common and this rule is used on a regular basis. For these reasons, this rule should be enforced.	05/20/1997	06/19/1997	06/09/1997	08/27/2009
Subject Matter Committee: Insurance & Commerce Committees Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1161/Final/Rule 48-317.1.pdf				
48-318.1 Notice of Meeting				ID#: 1176
Statutory Authority: A.C.A. 23-46-205 <input type="checkbox"/> Required under State or Federal Law: (none) Requirement Statement: (none) Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies how notice of special meeting must be given to shareholders. This rule helps protect shareholders' rights and should be enforced.	05/20/1997	06/19/1997	06/09/1997	
Subject Matter Committee: Insurance & Commerce Committees Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1176/Final/Rule 48-318.1.pdf				
48-320.2 Cumulative Voting				ID#: 1177
Statutory Authority: A.C.A. 23-46-205 <input type="checkbox"/> Required under State or Federal Law: (none) Requirement Statement: (none) Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies when cumulative voting may be used by state banks and should be enforced for this reason.	05/20/1997	06/19/1997	06/09/1997	
Subject Matter Committee: Insurance & Commerce Committees Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1177/Final/Rule 48-320.2.pdf				
48-322.1 Board of Directors				ID#: 1178
Statutory Authority: A.C.A. 23-46-205 <input type="checkbox"/> Required under State or Federal Law: (none) Requirement Statement: (none) Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies that board members shall be selected in the manner provided by a bank's articles of incorporation or bylaws. For this reason, this rule should be enforced.	05/20/1997	06/19/1997	06/09/1997	
Subject Matter Committee: Insurance & Commerce Committees Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1178/Final/Rule 48-322.1.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
48-322.2 Officer or Director Removal				ID#: 1179
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This statute clarifies how bank officers or directors may be removed if they are violating state or federal law or a threatening the safety and soundness of the bank. This rule promotes the safe and sound operation of state chartered banks and should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1179/Final/Rule 48-322.2.pdf				
48-322.3 Directors' Meetings				ID#: 1180
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies the use of proxy votes during directors meetings and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1180/Final/Rule 48-322.3.pdf				
48-601.1 Authority to Adopt Plan of Exchange-Notice-Court Reporter				ID#: 1192
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule provides the procedures for providing notice to the public and shareholders when a bank wishes to adopt a plan of exchange under Ark. Code Ann. § 23-48-601, et seq. The rule also requires that a court reporter be present for the Bank Commissioner's fairness hearing as part of the adoption of the plan of exchange. Plans of exchange are still utilized by state banks and the rule clarifies the procedures to be used. For these reasons, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1192/Final/Rule 48-601.1.pdf				
48-701 Healthy Bank				ID#: 1183
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). Ark. Code Ann. § 23-48-701 states that "Healthy Bank" means a state bank whose financial condition satisfies the criteria established by Bank Department regulation. This rule defines the term "Healthy Bank" for use under Ark. Code Ann. § 23-48-701, et seq. This defined term is necessary for reviewing and approving branch applications. For these reasons, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1183/Final/Rule 48-701.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
48-702.1 Relocation of Existing Full Service Branch				ID#: 1185
Statutory Authority: A.C.A. 23-46-205	06/24/1999	07/16/1999	07/06/1999	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the procedure and fee for relocating a full service bank branch and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1185/Final/Rule 48-702.1.pdf				
48-702.2 Short Distance Relocation				ID#: 1186
Statutory Authority: A.C.A. 23-46-205	06/24/1999	07/16/1999	07/06/1999	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies the procedure for the short distance relocation of a full service bank under Ark. Code Ann. § 23-48-702. For this reason, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1186/Final/Rule 48-702.2.pdf				
48-702.3 Limited Purpose Offices				ID#: 1187
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule clarifies the procedure for establishing a limited purpose office under Ark. Code Ann. § 23-48-702 and should be enforced for this reason.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1187/Final/Rule 48-702.3.pdf				
48-703.1 Expedited, Standard, and Mobile Branch Application Procedures				ID#: 1188
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the procedures on filing expedited, standard, and mobile branch applications under Ark. Code Ann. § 23-48-703. It also establishes the fees for filing such applications. These applications are frequently used by state banks and this rule offers them a relatively quick and efficient means to file these applications. This rule should be enforced for these reasons.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1188/Final/Rule 48-703.1.pdf				

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
48-703.2 Mobile Branch				ID#: 1190
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the requirements for operating a mobile bank branch under Ark. Code Ann. §§ 23-48-701, 23-48-703 (Act 42 of 2007 – To Revise the Arkansas Banking Code; To Provide Parity Between the State and National Bank Application Process; and to Reduce Application Fees). Many rural areas of Arkansas are still served by mobile bank branches, and as such, this rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1190/Final/Rule 48-703.2.pdf				
48-703.3 Protest				ID#: 1191
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	03/22/2007
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the procedure for protesting an application for the establishment of a full-service branch under Ark. Code Ann. § 23-48-703. The rule establishes a fair and orderly procedure for handling protests, provides for public notice, and protects individuals' and corporations' right to protest. For these reasons, the rule should be enforced.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1191/Final/Rule 48-703.3.pdf				
49-118.1 Execution and Filing Articles with Department. Certificate of Dissolution - Fees				ID#: 1193
Statutory Authority: A.C.A. 23-46-205	05/20/1997	06/19/1997	06/09/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The Bank Commissioner has the statutory authority to issue rules and regulations under Ark. Code Ann. § 23-46-205(b)(1). This rule establishes the filing fees for the dissolution and liquidation of an Arkansas state chartered bank. It also provides that evidence that all deposits and trust accounts have been sold, surrendered, transferred, or terminated prior the surrender of the bank's charter. The rule should be enforced for these reasons.				
Subject Matter Committee: Insurance & Commerce Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/113/Rules/1193/Final/Rule 49-118.1.pdf				