

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

- 1. What is the official title of this rule?

- 2. What is the subject of the proposed rule? _____
- 3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

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

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

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 no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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 _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

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

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

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

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or 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

\$ _____

Next Fiscal Year

\$ _____

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.

24 CAR § 15-104

Proposed Rule Repeal Regarding Board Meeting Dates

PURPOSE: The Arkansas Judicial Retirement System (AJRS) seeks to repeal 24 CAR § 15-104 which pertains to AJRS Board of Trustees meeting dates.

BACKGROUND: Pursuant to Ark. Code Ann. § 24-8-203(c)(1), the AJRS Board has the authority to make all rules necessary to administer the Arkansas Judicial Retirement System. The current rule requires that the AJRS Board meet on the first Thursday of the second month of each quarter. The current rule is obsolete because the board has changed the meeting dates and complies with Ark. Code Ann. § 24-8-203(d) which requires that the board meet at least quarterly.

KEY POINTS: The proposed rule repeal removes obsolete language.

DISCUSSION: Arkansas Code § 24-8-203(d) requires that the AJRS Board meet at least once quarterly and at other times as necessary. 24 CAR § 15-104 is obsolete since the board has changed the meeting date and is already required by law to meet each quarter.

RECOMMENDATION: AJRS recommends that the proposed repeal of 24 CAR § 15-104 be approved.

Public Notice of Intended Board Action:

Please take notice that the Board of Trustees of the Arkansas Judicial Retirement System (AJRS), 124 West Capitol Avenue, Suite 400, Little Rock, AR 72201 has voted to repeal board rule “24 CAR § 15-104. Board meeting dates” because the rule is obsolete.

Copies of the repealed rule are available for inspection and copying during normal business hours, 8:00 a.m. to 4:30 p.m., at Arkansas Public Employees’ Retirement System (APERS) principal offices, 124 West Capitol Avenue, Suite 400, Little Rock, AR 72201. A copy of the repealed rule and a summary of the proposed repeal are also available on the AJRS website, <https://arjrs.org>, and on the Arkansas Secretary of State’s website, <https://www.sos.arkansas.gov>.

Written public comment concerning the proposed amendment may be submitted to APERS within **thirty (30) days** of the first publication of this notice. Public comments should be addressed to Laura Gilson, Arkansas Public Employees Retirement System, 124 West Capitol Avenue, Suite 400, Little Rock, AR 72201, laura.gilson@arkansas.gov. If required under Ark. Code Ann. § 25-15-204(a)(2)(B), a public hearing on these rules will be held on Wednesday, August 13, 2025, at 1:30 p.m. in the fourth floor conference room in APERS’s main offices, 124 West Capitol Avenue, Suite 400, Little Rock, AR 72201.

Arkansas Democrat Gazette

Account #: ADCL1270438

Company: ARK PUBLIC EMPLOYEE RETIREMENT

124 W CAPITOL

LITTLE ROCK, AR 72201

Ad number #: 522182

PO #:

Matter of: AJRS - Intended Board Action

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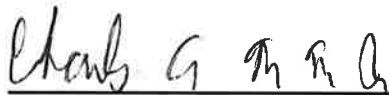
I, Charles A. McNeice Jr., do solemnly swear that I am the Business Manager of the **Arkansas Democrat-Gazette**, a daily newspaper printed and published in PULASKI county, State of ARKANSAS; that I was so related to this publication at and during the publication of the annexed legal advertisement in the matter of :

AJRS - Intended Board Action

Pending in the court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County, that said newspaper had been regularly printed and published in said county, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

And that there is due or has been paid the **Arkansas Democrat-Gazette** for publication the sum of \$216.34.
(Includes \$0.00 Affidavit Charge).

*ADG Arkansas Democrat-Gazette 07/13/25, 07/14/25, 07/15/25; ADG.com 07/13/25, 07/14/25, 07/15/25;
NWA Democrat Gazette 07/13/25; NWA nwaonline.com 07/13/25*



Business Manager

State of ARKANSAS, County of PULASKI, Subscribed and sworn to before me on this 15th day of July, 2025



NOTARY PUBLIC



RECEIVED

By Arkansas Secretary of State at 3:39 pm, Jul 14, 2025

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State

Cole Jester

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



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

AJRS Proposed Rule Repeal Public Comment Summary

Date: August 14, 2025

Summary: In accordance with Ark. Code Ann. § 25-15-204, the Arkansas Public Employees' Retirement System (APERS), administrator of the Arkansas Judicial Retirement System (AJRS), published notice of the AJRS Board of Trustees' intention to repeal "24 CAR § 15-104. Board meeting dates." The public notice and accompanying information were published in the Arkansas Democrat-Gazette for three (3) consecutive days beginning on July 13, 2025, were posted on the Secretary of State's website for thirty (30) days, and were posted on the AJRS website. The public comment period expired on August 12, 2025. APERS did not receive any public comments or requests for a public hearing on the proposed repeal of "24 CAR § 15-104. Board meeting dates."

Proposed Rulemaking

Title

Promulgated by:
Arkansas Judicial Retirement System

Title 24. Retirement and Pensions

Chapter IV. Judicial Retirement System

Subchapter A. Generally

Part 15. Arkansas Judicial Retirement System

Subpart 1. Generally

24 CAR § 15-101. Amortization period for unfunded actuarial accrued liability.

Adopted amortization period for actuarial purposes, unfunded liabilities, of thirty (30) years.

24 CAR § 15-102. Pro-rata benefit.

Authorized pro-rata benefit payments when eligibility begins on some date other than the first of the month.

24 CAR § 15-103. Recipient benefit.

In the event that a retiree or a survivor of a retiree dies, the recipient shall be entitled to benefits for the entire month in which death occurs.

~~**24 CAR § 15-104. Board meeting dates.**~~

~~—The Board of Trustees of the Arkansas Judicial Retirement System shall meet on the first Thursday of the second month of each quarter and at such other times as called by the chair.~~

24 CAR § 15-105. Installment payment.

The Board of Trustees of the Arkansas Judicial Retirement System adopted an installment payment plan as follows:

(1) A member may enter in an agreement with the Arkansas Judicial Retirement System to pay the total amount due in twenty-four (24) equal monthly installments;

(2) The service will not be credited to the member's retirement account until full payment is received by the system;

(3) Full payment must be made before a member makes application for monthly benefits;

(4) The system will refund to a member the amount paid if the member does not pay in one (1) lump sum the balance due within six (6) months after termination of covered employment; and

(5) The system will refund to the survivor eligible for the refund the amount paid if a member dies before completing payment.

24 CAR § 15-106. Direct deposit.

Authorized direct deposit of annuity payments to retirees and beneficiaries who elected to receive payments in such a manner.

24 CAR § 15-107. Refund repayment.

The Board of Trustees of the Arkansas Judicial Retirement System approved Repayment of Refund Policy as follows:

(1) An active judge may receive credit for a previous period of service by repaying the contributions refunded to him or her, plus six percent (6%) interest

compounded annually from the date he or she received the refund to the date of repayment to the Arkansas Judicial Retirement System; and

(2) The staff will notify the judge of this policy at the time he or she requests a refund.

24 CAR § 15-108. Investment allocation ratio.

Replaced by Investment Policy adopted February 5, 1998.

24 CAR § 15-109. Interest rate for prior service.

The Board of Trustees of the Arkansas Judicial Retirement System adopted seven and one-half percent (7.5%) as the interest rate to charge on prior service purchases under Arkansas Code § 24-8-207.

24 CAR § 15-110. Approval of requests for retirement benefits.

(a) The Board of Trustees of the Arkansas Judicial Retirement System adopted a resolution authorizing the Executive Director of the Arkansas Judicial Retirement System to approve all applications for retirement benefits, including:

- (1) Requests for purchasing service;
- (2) Transferring service; and
- (3) Obtaining free service.

(b)(1) A member may appeal a decision by the executive director in writing within thirty (30) days of the decision.

(2) The notice should include references to specific sections of the Arkansas Code supporting the appeal.

(3) The appeal will be placed on the agenda for the next regular board meeting.

24 CAR § 15-111. Purchase of previous service by a judge.

A judge may purchase previous service for time served as a circuit judge, chancery judge, Court of Appeals judge, or Supreme Court justice, and the judge will then be

considered a member of the Arkansas Judicial Retirement System as of the beginning date of the purchased service.

24 CAR § 15-112. Quorum requirement — Concurring votes — Proxy voting.

(a) Three (3) members of the Board of Trustees of the Arkansas Judicial Retirement System shall constitute a quorum at any meeting of the board, and at least three (3) concurring votes shall be necessary for a decision by the board at any of its meetings.

(b) The chair shall be a voting member.

(c)(1) Members of the board may vote on specific issues by written proxy provided to the chair in advance of any meeting of the board.

(2) A proxy vote shall not be counted to meet the quorum requirement but can be counted as one (1) of the three (3) concurring votes required for a decision.

24 CAR § 15-113. Contributions for military service credit.

In those instances where federal law requires that a member receive credit in the Arkansas Judicial Retirement System for service and earnings that the member would have received had the member not been called to active military duty, the employer shall be required to pay the employer contributions that would have been due for the earnings to be credited.

24 CAR § 15-114. Mandatory direct deposit.

(a) Persons first receiving monthly benefits from the Arkansas Judicial Retirement System on or after September 1, 2003 shall be required to participate in the electronic direct deposit program.

(b) Persons receiving monthly benefits before September 1, 2003 shall enroll in the electronic direct deposit program on or before December 1, 2003.

(c) Waivers may be granted to those persons who certify in writing that they do not have a savings or checking account.

24 CAR § 15-115. Arkansas Judicial Retirement System reciprocal members numerator.

(a) In accordance with Arkansas Code § 24-2-402(7)(A)(i), when calculating an Arkansas Judicial Retirement System benefit for a reciprocal member, only actual service as a judge will be used in the numerator.

(b) Other service (i.e. purchased, service or free military service) will not be included in the numerator.

24 CAR § 15-116. Qualified domestic relations orders.

(a) In accordance with Acts 1993, No. 1143, the Arkansas Judicial Retirement System will comply with qualified domestic relations orders issued by circuit courts in the State of Arkansas that meet the following conditions:

(1) The qualified domestic relations order is issued in accordance with all provisions of the model qualified domestic relations order adopted by the Board of Trustees of the Arkansas Judicial Retirement System;

(2) The qualified domestic relations order, as specified in Section 1(3)(c) of Acts 1993, No. 1143, does not require the system to provide any type or form of benefit, or pay options not otherwise available under the system, does not require the system to provide increased benefits, and does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order;

(3) The qualified domestic relations order is issued on or after the effective date of Acts 1993, No. 1143;

(4) The system will review qualified domestic relation orders for compliance with this rule and notify appropriate parties of its findings;

(5) Payments to the alternate payee shall commence on the earlier event:

(A) Participating member ceases employment in a covered position and requests a refund of contributions; or

(B) When the participating member retires; and

- (6) The alternate payee's benefit will be based on the service covered for:
 - (A) The duration of the marriage;
 - (B) The member's salary at the time of divorce; and
 - (C) The retirement laws in effect at the time of the member's retirement;
- (b) In those instances where the alternate payee selects alternative B under Section III, Duration of Payments to Alternate Payee of the model qualified domestic relations order, the actuary will use the following guidelines in computing an equivalent benefit to be paid for the alternate payee's lifetime:
 - (1) The interest rate will be the valuation rate;
 - (2) The Mortality Table will be the "50/50 Table"; and
 - (3) The age used in the computation shall be the attained age at the last birth date prior to the effective date of the qualified domestic relations order.

24 CAR § 15-117. Reassessment of disability determination and termination of disability benefits.

(a) In the event any disability retiree under Arkansas Code § 24-8-217, or any successor statute, determines that he or she is eligible to return to covered employment in a regular judicial position or in the event the Board of Trustees of the Arkansas Judicial Retirement System receives credible information that a disability retiree is no longer disabled, the retiree will be required to provide to the board current medical information from two (2) or more physicians certifying that the incapacitating disability no longer exists.

(b)(1) In the event that a retired member who is receiving disability retirement benefits fails or refuses to supply the current medical information to the board when requested to do so, the board may require said member to be examined by two (2) or more physicians of the board's choosing to determine whether the incapacitating disability still exists.

(2) Refusal or failure by said member to submit to a board-requested medical examination by a date established by the board may be considered as an admission that said member's incapacitating disability no longer exists.

(3) The board may, for good cause shown, extend the time in which said member shall submit to the board-requested examination.

(c) In the event that a retired member who is receiving disability retirement benefits no longer suffers from an incapacitating disability, the board shall terminate the disability benefits being paid to said member effective the end of the calendar month in which said determination is made.

(d) Nothing in this rule shall be interpreted to deny any member whose disability benefits are terminated pursuant to this rule eligibility for normal retirement benefits if said member otherwise qualifies for retirement benefits under Arkansas Code §§ 24-8-215 and 24-8-216, or any successor statutes.

24 CAR § 15-118. Implementation of Acts 2009, No. 744 — Retirement incentive benefits.

(a) The retirement incentive benefits contemplated by Acts 2009, No. 744, shall apply only to actual judicial service that is rendered after the effective date of Acts 2009, No. 744, and shall not include any reciprocal or military service credits acquired by a member, regardless of when acquired, or any credit for purchased service as a:

- (1) District judge;
- (2) Juvenile judge; or
- (3) Prosecuting attorney.

(b) A member may receive a partial year's service credit for the retirement incentive benefits contemplated by Acts 2009, No. 744, for any year that he or she renders less than a full year of actual judicial service.

24 CAR § 15-119. Suspension of judicial retirement benefits during resumption of full-time judicial service.

(a) Any judge or justice who is receiving judicial retirement benefits and who resumes full-time judicial service pursuant to an appointment under Amendment 29 of the Arkansas Constitution shall have his or her judicial retirement benefit payments,

including payments to alternate payees, if any, curtailed during the period of such full-time judicial service.

(b) Retirement benefits may be pro-rated for the month during which the appointment becomes effective.

(c) The judicial retirement benefit payments, including those made to alternate payees, shall resume beginning the first full month following Arkansas Judicial Retirement System's receipt of written notice that the appointed term has been completed or that the judge or justice has resigned from the full-time appointment.

24 CAR § 15-120. Declaratory orders.

(a) Purpose and use of declaratory orders.

(1) To the extent any retirant or member of the Arkansas Judicial Retirement System has questions concerning the applicability of any rule, statute, or other order of the Board of Trustees of the Arkansas Judicial Retirement System, the retiree or member shall submit a written petition for a declaratory order to the Executive Director of the Arkansas Judicial Retirement System.

(2) A declaratory order is a means of resolving a controversy or answering questions concerning the applicability of statutory provisions, rules, or orders over which the agency has authority.

(3) A petition for declaratory order may be used only to resolve questions as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances.

(4) A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from the board.

(5) A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

(b) **The petition.** The process to obtain a declaratory order is begun by filing with the executive director a petition that provides the following information:

(1) The caption shall read, Petition for Declaratory Order Before the Arkansas Judicial Retirement System Board of Trustees;

(2) The name, address, telephone number, and facsimile number of the petitioner;

(3) The name, address, telephone number, and facsimile number of the attorney of the petitioner;

(4) The statutory provision or provisions, the board rule or rules, or the board order or orders on which the declaratory order is sought;

(5) A description of how the statutes, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the question or issue of which petitioner seeks a declaratory order;

(6) The signature of the petitioner or petitioner's attorney;

(7) The date; and

(8) Request for hearing, if desired.

(c) Board disposition.

(1)(A) If the facts or circumstances provided in the petition are insufficient in detail to enable the board to render a declaratory order, the board has the authority to request supplemental information from the petitioner.

(B) If the supplemental information is insufficient or is not provided, the board may so state and is authorized to not render a declaratory order based upon what the board considers insufficient detail.

(C) The timeframes outlined in this rule shall reset on the date the executive director receives the supplemental information.

(2)(A) The board may hold a hearing to consider a petition for a declaratory statement.

(B) If a hearing is held, it shall be conducted in accordance with Arkansas Code §§ 25-15-208 and 25-15-213 and the board's rules for adjudicatory hearings.

(3) The board may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts.

(4) Within ninety (90) days of the filing of the petition, the board will render a final order denying the petition or issuing a declaratory order.

(5)(A) The board may reconsider, withdraw, or amend a prior order upon its own motion.

(B) Written notice of the motion shall be mailed to the original petitioner at the last known address of the petitioner.