

Revised June 2023

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 Are two (2) rules being repealed in accord with Executive Order 23-02?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If yes, please list the rules being repealed.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.

MARKUP

~~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.~~

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

AFFIDAVIT • STATE OF ARKANSAS

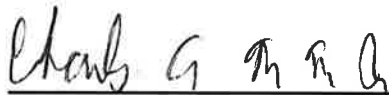
I, Charles A. McNeice Jr., do solemnly swear that I am the Business Manager of the **Arkansas Democrat-Gazette**, a daily newspaper printed and published in PULASKI county, State of ARKANSAS; that I was so related to this publication at and during the publication of the annexed legal advertisement in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