

# ARKANSAS REGISTER

## Transmittal Sheet

\* Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State  
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For Office  
Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency ARKANSAS STATE BANK DEPARTMENT

Department LEGAL

Contact BRENT TAYLOR E-mail btaylor@banking.state.ar.us Phone 501-324-9019

Statutory Authority for Promulgating Rules A.C.A. 23-46-205

Rule Title: TOTAL INDEBTEDNESS

Intended Effective Date  
(Check One)

- Emergency (ACA 25-15-204)
- 30 Days After Filing (ACA 25-15-204)
- Other JANUARY 1, 2013  
(Must be more than 30 days after filing date.)

	Date
Legal Notice Published	<u>9/10-9/11-9/12/12</u>
Final Date for Public Comment	<u>10-11-2012</u>
Reviewed by Legislative Council	<u>11-05-2012</u>
Adopted by State Agency	<u>10-11-2012</u>

Electronic Copy of Rule submitted under ACA 25-15-218 by:		
<u>BARBARA MAHONEY</u>	<u>bmahoney@banking.state.ar.us</u>	<u>11-08-2012</u>
<small>Contact Person</small>	<small>E-mail Address</small>	<small>Date</small>

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

  
\_\_\_\_\_  
Signature

501-324-9019      btaylor@banking.state.ar.us  
Phone Number      E-mail Address

\_\_\_\_\_  
Legal Counsel

\_\_\_\_\_  
Title

November 8, 2012  
Date

## FINAL RULE

### 47-501.3 – TOTAL INDEBTEDNESS (Reference A.C.A. §23-47-501)

“Total indebtedness” shall also include any credit exposure to a person arising from a derivative transaction, repurchase agreement, reverse repurchase agreement, securities lending transaction, or securities borrowing transaction between the bank and the person. For the purposes of this paragraph the term derivative transaction shall include any transaction that is a contract, agreement, swap, warrant, note, or option that is based in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices, or other assets.