

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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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 _____

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT 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 Does this proposed, amended, or repealed rule have a financial impact?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 an agency is proposing a more costly rule, please state the following:
 - 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 more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
 - d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

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

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

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total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule?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

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

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



ADMINISTRATIVE RULE
STATE OF ARKANSAS
BOARD OF CORRECTIONS

Section Number:
ADC 807/ACC 9.2

Page Number:
1 of 2

Board Approval Date:
TBD

Supersedes:
New

Dated:
TBD

Reference:
A.C.A. § 12-27-150

Effective Date:
TBD

SUBJECT: PAYMENT OF DEATH BENEFIT

I. AUTHORITY:

The authority to promulgate this rule is vested in Section 47 of Act 203 of 2022, Fiscal Session, found in special language, now codified at A.C.A. § 12-27-150.

II. PURPOSE:

To establish criteria for the payment of a death benefit from special revenues held by the Department of Corrections or its various divisions to any department Employee killed in the line of duty.

III. APPLICABILITY:

All Employees of the Department of Corrections.

IV. DEFINITIONS:

- A. Beneficiary: a designated recipient, other than the Employee, including the Employee's spouse or the surviving child of the Employee if there is no surviving spouse. If there is more than one (1) surviving child of the Employee, the death benefit will be split equally amongst all designated surviving children.
- B. Board: the Board of Corrections.
- C. Department: the Department of Corrections.
- D. Director: the executive head of a Division, Board, Commission, or Section of the Department; the Chief of Staff is designated as the executive head of Shared Services for purposes of this rule; and the Compliance Administrator is designated as the executive head of the Compliance Division for purposes of this rule.
- E. Employee: any person employed in a full-time or part-time capacity by the Department of Corrections, including any Division, Board or Commission of the Department.
- F. In the line of duty: refers to activities related to an Employee's official job responsibilities.
- G. Secretary: the Secretary of the Department of Corrections.

V. POLICY:

It shall be the policy of the Board of Corrections to provide a death benefit not to exceed five thousand dollars (\$5,000) for any Department Employee killed in the line of duty in accordance with guidelines set out in this Rule.

VI. PROCEDURES:**A. Director Request:**

1. A Director may submit a request to the Secretary for consideration of payment of a death benefit for any Employee who loses his or her life in the line of duty.
2. If the Secretary determines that an Employee is eligible to receive payment of a death benefit, the Chief Financial Officer of the Department must certify availability of funds and determine the source of funding.
3. The Secretary will submit a request to the Board outlining the circumstances surrounding the request for payment of a death benefit, including the possible funding source if the request is granted.
4. The document submitted to the Board should contain sufficient information to advise the board how the loss of life was related to performance of official job responsibilities.

B. Payment of Death Benefit:

1. Upon approval by the Board of Corrections, the Chief Financial Officer of the Department shall cause to be issued a payment to the beneficiary of an Employee who lost his or her life in the line of duty.
2. The amount of payment shall be set by the Board of Corrections and shall not exceed five thousand dollars (\$5,000).

VIII. IMPLEMENTATION:

The Secretary of Corrections may issue directives to implement the guidance contained within this Rule.

IIIX. A.C.A. REFERENCES:

A.C.A. § 12-27-150



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Summary of Proposed Rule Governing Payment of a Death Benefit

Section 47 of Act 203 of 2022, Fiscal Session, now codified at A.C.A. § 12-27-150, requires the Board of Corrections to promulgate rules to establish criteria for the payment of a death benefit from special revenues held by the Department of Corrections or its various Divisions for any Department Employee killed in the line of duty. The Act establishes guidelines for Directors to follow in requesting payment of a death benefit for a Department Employee who is killed in the line of duty. That payment shall not exceed five thousand dollars (\$5,000).