

## **Public Notice**

The Board of Corrections will review the following Administrative Regulation 009 Public and Community Relations.

Copies of the proposed regulation are available for public inspection at the Arkansas Department of Correction, 6814 Princeton Pike Road, Pine Bluff, AR 71602. The proposed Administrative Regulation AR-009 Public and Community Relations is also available for review online through the Secretary of State's website: [sos.arkansas.gov](http://sos.arkansas.gov).

Written comments regarding the Administrative Regulation should be postmarked by December 15, 2017. Comment may be mailed to Arkansas Department of Correction, Attention: Agency Policy Coordinator, P.O. Box 8707, Pine Bluff, AR 71611-8707.

# ARKANSAS REGISTER

## Transmittal Sheet

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



Secretary of State

**Mark Martin**

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



For Office

Use Only:

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

Name of Agency Arkansas Department of Correction

Department Public Information Office

Contact Takelia McDaniel E-mail Takelia.McDaniel@Arkansas.gov Phone 870-267-6345

Statutory Authority for Promulgating Rules 12-27-105

**Rule Title:** AR009 Public and Community Relations

**Intended Effective Date**

(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☐ Other \_\_\_\_\_  
(Must be more than 10 days after filing date.)

Legal Notice Published ..... 12/13/17

Final Date for Public Comment ..... 1/12/2017

Reviewed by Legislative Council ..... \_\_\_\_\_

Adopted by State Agency ..... \_\_\_\_\_

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Takelia.McDaniel

Contact Person

Takelia.McDaniel@arkansas.gov

E-mail Address

12/11/17

Date

### CERTIFICATION OF AUTHORIZED OFFICER

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

Signature

870-267-6345

Takelia.McDaniel@arkansas.gov

Phone Number

E-mail Address

Agency Policy Coordinator

Title

12/11/2017

Date

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

**DEPARTMENT/AGENCY** Arkansas Department of Correction  
**DIVISION** Public Information Officer  
**DIVISION DIRECTOR** Solomon Graves  
**CONTACT PERSON** Takelia McDaniel  
**ADDRESS** PO Box 8707 Pine Bluff 71611  
**PHONE NO.** 870-267-6345 **FAX NO.** 870-267-6373 **E-MAIL** Takelia.mcdaniel@arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING** Solomon Graves and Jim Depriest  
**PRESENTER E-MAIL** Solomon.graves@arkansas.gov & Jim.depriest@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.  
B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.  
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.  
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

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1. What is the short title of this rule? AR-009 Public and Community Relations
2. What is the subject of the proposed rule? To establish a public information program for the Department of Correction
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒  
If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒  
If yes, what is the effective date of the emergency rule? N/A
- When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes ☐

No **X**

5. Is this a new rule? Yes ☐ No **X**

If yes, please provide a brief summary explaining the regulation. \_\_\_\_\_

Does this repeal an existing rule? Yes **X** No ☐

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. \_\_\_\_\_

Is this an amendment to an existing rule? Yes **X** No ☐

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. **A.C.A 12-27-105**

7. What is the purpose of this proposed rule? Why is it necessary? **This rule is duplicated by Administrative Regulation 011**

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). **sos.arkansas.gov**

9. Will a public hearing be held on this proposed rule? Yes ☐ No **X**  
If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
**December 15, 2017**

11. What is the proposed effective date of this proposed rule? (Must provide a date.)  
**Pending Legislative Review and final approval by Board of Correction**

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. **See attachment**

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). **See attached emails**

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. **Unknown**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**TELEPHONE** 870-267-6345      **FAX** 870-267-6373      **EMAIL:** [Takelia.Mcdaniel@arkansas.gov](mailto:Takelia.Mcdaniel@arkansas.gov)

**SHORT TITLE OF THIS RULE** AR-009 Public and Community Relations

- If an agency is proposing a more costly rule, please state the following:

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? **N/A**

### Next Fiscal Year

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

Total \_\_\_\_\_

Total \_\_\_\_\_

- (b) What is the additional cost of the state rule? N/A

**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. N/A

**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. N/A

**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.

## **Attachment #1: AR-009 Summary**

To repeal the regulation.



 <p style="text-align: center;"><b>ADMINISTRATIVE REGULATIONS</b></p> <p style="text-align: center;"><b>STATE OF ARKANSAS</b></p> <p style="text-align: center;"><b>BOARD OF CORRECTIONS</b></p>	<b>Section Number:</b>	<b>Page Number:</b>
	<b>009</b>	<b>1 of 1</b>
	<b>Board Approval Date:</b>	
	<b>11/29/79</b>	
	<b>Supersedes:</b>	<b>Dated:</b>
	<b>Reference:</b>	<b>Date Filed Secretary of State 2/1/80</b>
<b>SUBJECT: Public and Community Relations</b>		

**I. POLICY OF DEPARTMENT:**

To develop programs, policies and procedures that will create and maintain harmony, cooperation, mutual assistance and favorable community attitudes toward each institution and the Department of Correction in general.

**II. EXPLANATION:**

A. Except where other Administrative Regulations govern, the Chief Administrative Officer of the institution or program has the responsibility for all communications with the mass media. The Chief Administrative Officer, with the assistance from the Public Information Office, is also charged with the responsibility for the development, preparation and production of written and visual materials pertaining to the institution for the mass media, public and internal consumption including a collection of photographs of educational and vocational programs, residential areas, and recreation and entertainment events.

B. Incidents of an unusual nature shall be reported to the local news media by the Public Information Officer only after contact has been made with the Director, Board of Correction, the Governor's Office, the Attorney General's Office, the Prosecuting Attorney, and the Sheriff's Office. Incidents of an unusual nature would include: escapes, disturbances, fights where medical treatment or hospitalization is required for offenders or employees, suicides, lockups, escape attempts, fires and major damage to state property.