

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
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 _____

LAW ENFORCEMENT FAMILY RELIEF CHECK-OFF PROGRAM AND LAW ENFORCEMENT FAMILY RELIEF TRUST FUND RULES

Authority - These rules are promulgated pursuant to Act 765 of 2021, codified at Arkansas Code Ann. § 26-51-2511, establishing the Law Enforcement Family Relief Check-off Program and Arkansas Code Ann. § 19-5-1155, establishing the Law Enforcement Family Relief Trust Fund to facilitate administration, collection, and disbursement of moneys deposited into the fund.

Rule 1. Title

These Rules shall be known as the “Law Enforcement Family Relief Check-off Program and Law Enforcement Family Relief Trust Fund Rules”.

Rule 2. Administrative Procedures

The Secretary of the Arkansas Department of Finance and Administration or their designee shall administer the Law Enforcement Family Relief Check-off Program. The Treasurer of State or their designee shall maintain the Law Enforcement Family Relief Trust Fund account. The Secretary of the Department of Public Safety or their designee shall administer the Law Enforcement Family Relief Trust Fund.

Rule 3. Scope

- a. These Rules shall govern the Secretary of the Department of Public Safety or their designee in administering the Law Enforcement Family Relief Trust Fund to provide financial assistance to the families of Arkansas-certified law enforcement officers.
- b. These Rules shall govern the Secretary of the Department of Finance and Administration or their designee in administering the Law Enforcement Family Relief Check-off Program in providing a means by which taxpayers may designate the withholding of all or a portion of their income tax refund, or make an additional contribution if not entitled to a tax refund.

Rule 4. Objective

To alleviate financial hardships suffered by a law enforcement officer and/or their family when the officer becomes unable to financially contribute to the needs of the family due to death or diagnosis of a terminal illness.

Rule 5. Effective Date

These Rules shall be effective on and after January 1, 2022.

Rule 6. Definitions

- (a) “Active employee” – a full or part-time law certified enforcement officer who, at the time of their death or diagnosis, is employed by an active law enforcement agency in the State of Arkansas approved by the Arkansas Commission on Law Enforcement Standards and Training.
- (b) “Certified” – a law enforcement officer in the State of Arkansas who is recognized by the Arkansas Commission of Law Enforcement Standards and Training as meeting standards required by the Commission.
- (c) “Corporation” – includes joint-stock companies or associations and insurance companies
- (d) “Fiduciary” - a guardian, trustee, executor, administrator, receiver, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, trust, or estate
- (e) “Fund” – moneys generated from the Law Enforcement Family Relief Check-off Program under § 26-51-2511; any gifts, grants, bequests, devises, and donations received under the program; and any other authorized revenues
- (f) “Killed in the line of duty” – an officer, while in the performance of their official duties, was killed or suffered an injury precipitating their death shortly thereafter.
- (g) “Medical professional” – a person licensed by the Arkansas State Medical Board.
- (h) “Officer in good standing” – an officer meeting all minimum standards and is certified, not having been not decertified, or the subject of a pending disciplinary action or internal affairs investigation;
- (i) “Program” – the Law Enforcement Family Relief Check-off Program

(j) “Terminal illness” – a disease or condition that cannot be cured and is likely to lead to a person’s death and prevents or significantly impairs the person’s ability to work as a law enforcement officer or to otherwise earn comparable wages in another line of work

Rule 7. Check-off Program Implementation

The Secretary of the Arkansas Department of Finance and Administration or their designee shall include on all individual and corporate income tax forms a check-off designation to the Law Enforcement Family Relief Check-off Program.

- a. If entitled to a refund a person may designate all or any part of the refund for the Law Enforcement Family Relief Check-off Program;
- b. If additional tax is owed, a person may designate a contribution and enclose a separate check for the amount of the contribution payable to the Law Enforcement Family Relief Check-off Program.

Rule 8. Certification

The Secretary of the Arkansas Department of Finance and Administration or their designee shall certify quarterly to the Treasurer of State the amount contributed to the Law Enforcement Family Relief Check-off Program through this state income tax check-off during the quarter.

Rule 9. Eligibility criteria for relief

- (a) “Need” of the family of a law enforcement officer must be established and may be demonstrated as an inability to remit payment for outstanding regular bills or expenses and/or extraordinary expenses that otherwise would not have been incurred or would have been satisfied had the law enforcement officer not been killed or diagnosed with a terminal illness
- (b) Salary of the Arkansas-certified law enforcement officer must be provided to determine the financial impact to the family upon the officer’s inability to contribute his or her salary.
- (c) At the time of the death or diagnosis, the officer must have been an active employee of a law enforcement agency located in the State of Arkansas.

Rule 10. Application for relief. The Secretary of the Department of Public Safety or their designee may include the following on an application for relief:

- (a) Any and all records sufficient to document “need” as described in Rule 6(a), above, including any documentation or other factors that establish the family’s hardship;
- (b) Current paystubs, tax returns, or W-2 forms as proof of the salary of the officer;
- (c) Certification from the officer’s employer that he or she was an active employee in good standing with the agency at the time of his or her death or diagnosis;
- (d) If the applicant is not a terminally ill law enforcement officer, proof of the relationship between the applicant seeking relief and the deceased or terminally ill law enforcement officer;
- (e) If the applicant is a terminally ill law enforcement officer, medical records reflecting the diagnosis, prognosis, including the likelihood of recovery or survival, and symptoms that impact their daily life;
- (f) Records reflecting other forms of income or assets available to the family, including, but not limited to, real property, whether the officer or any family/household member is the beneficiary to a trust, investment income, pensions, annuity payments, child support, income earned by other family members, long-term care insurance benefits, or life insurance benefits; and,
- (g) Any other information or records the Secretary determines might be necessary to establish the need of the officer or their family for a grant to be issued under this program.

Rule 11. Family members eligible for relief

If a law enforcement officer is killed in the line of duty, his or her family members may apply to the Law Enforcement Family Relief Trust Fund for relief. A spouse, parent, or guardian of a child-in-common, or minor child(ren) are eligible to submit such an application.

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

DEPARTMENT/AGENCY Arkansas Department of Public Safety
DIVISION _____
DIVISION DIRECTOR _____
CONTACT PERSON Joan Shipley
ADDRESS 1 State Police Plaza Drive, Little Rock, AR 72209
PHONE NO. (501) 618-8632 FAX NO. _____ E-MAIL Joan.Shipley@asp.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Jami Cook & Joan Shipley
PRESENTER E-MAIL _____

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, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Law Enforcement Family Relief Fund
2. What is the subject of the proposed rule? Required new rules for new legislation from 2021 legislative session
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. N/A
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 ☒

5. Is this a new rule? Yes ☒ No ☐
If yes, please provide a brief summary explaining the regulation.

This rule provides the means for funding the Law Enforcement Family Relief Fund through individual taxpayers' contribution of a portion or all of their income tax refund, and by allowing the Secretary of the Department of Public Safety to accept gifts, grants, and other donations. These rules also provide the guidelines by which the Secretary may award these grants to law enforcement officers and/or their families.

Does this repeal an existing rule? Yes ☐ 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 ☐ 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. 26-51-2511 and 19-5-1155.

7. What is the purpose of this proposed rule? Why is it necessary?

To provide the Rules for and to implement the new Fund created during the 2021 legislative session

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).

dps.arkansas.gov/law-enforcement/Arkansas-state-police

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

Unknown – Following the expiration of
Date: the public comment period
Time: _____
Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

Approximately December 31, 2021 – To be determined

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2022

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.

N/A - Will provide when appropriate

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).

N/A – Will file with SOS and ASL at the appropriate time

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. N/A

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Public Safety

DIVISION _____

PERSON COMPLETING THIS STATEMENT Joan Shipley

TELEPHONE (501) 618-8632 **FAX** (501) 682-1582 **EMAIL:** Joan.shipley@asp.arkansas.gov

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

SHORT TITLE OF THIS RULE Law Enforcement Family Relief Fund

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;
N/A

(b) The reason for adoption of the more costly rule;
N/A

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
N/A

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
N/A

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	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>
Total	<u>N/A</u>

Next Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>
Total	<u>N/A</u>

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

Current Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>
Total	<u>N/A</u>

Next Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>
Total	<u>N/A</u>

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

\$ 0

Next Fiscal Year

\$ 0

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

\$ 0

Next Fiscal Year

\$ 0

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.



JAMI COOK
SECRETARY

State of Arkansas
Governor Asa Hutchinson

DEPARTMENT OF PUBLIC SAFETY

1 State Police Plaza Drive
Little Rock, Arkansas 72209
Office: (501) 682-2260 Fax: (501) 682-1582

Rule Change Summary 2021

The Law Enforcement Family Relief Check-off Program and Law Enforcement Family Relief Trust Fund were created in the General Assembly as Act 765 of 2021. These are the joint proposed rules of the Department of Finance and Administration and the Department of Public Safety. These rules establish eligibility criteria and requirements to allow for the implementation, funding mechanisms, and various provisions related to the administration of Law Enforcement Relief Trust Fund, also created in the General Assembly as Act 765 of 2021.