

~~PROPOSED~~ RULE 116

ARKANSAS FIREFIGHTER CANCER RELIEF TRUST FUND

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1. **AUTHORITY**
2. **PURPOSE**
3. **ARKANSAS FIREFIGHTER CANCER RELIEF FUND PROGRAM**
4. **EFFECTIVE DATE**

SECTION 1. AUTHORITY

This Rule is issued pursuant to Ark. Code Ann. § 21-5-110(d) and Section Three (3) of Act 823 of 2019, "An Act To Create The Arkansas Firefighter Cancer Relief Network Trust Fund." These provisions require the Arkansas Insurance Department ("Department") to promulgate rules necessary to implement the Arkansas Firefighter Cancer Relief Network Trust Fund.

SECTION 2. PURPOSE

The purpose of this Rule is to implement the Arkansas Firefighter Cancer Relief Network Trust Fund Program ("Program") and to establish procedures for providing funds donated under Ark. Code Ann. § 21-5-110 for relief of firefighters who are diagnosed with cancer and participating in a firefighter cancer relief network under Ark. Code Ann. § 21-5-110.

SECTION 3. ARKANSAS FIREFIGHTER CANCER RELIEF FUND PROGRAM

A. Arkansas Firefighter Cancer Relief Fund ~~Advisory~~ Board

The Arkansas Association of Fire Chiefs, Arkansas Professional Fire Fighters Association, and the Arkansas State Firefighters Association shall establish a board to set or establish eligibility and award amount requirements for funds received which are to be distributed in this Program. This board shall be named the "Arkansas Firefighter Cancer Relief Fund ~~Advisory~~ Board" (hereafter, the "Board."). The Board shall consist of seven (7) persons appointed by the Governor from the three (3) Associations. Each member shall serve two (2) year terms. The Board shall meet biannually, at such times and dates, as determined by the Board. Board meetings shall be conducted at the Department. The Board shall elect a chairperson to preside over the Board for a two (2) year term. The Board shall hold its first meeting within thirty (30) days following the approval by the Governor of all of the nominated Board members.

B. Eligibility and Award Amount Requirements and Procedures

Within sixty (60) days following the first meeting of the Board, the Board shall establish, in writing, eligibility criteria and award standards for firefighters, who are diagnosed with cancer, that are eligible for funds under this Program. Within sixty (60) days following the first meeting of the Board, the Board shall also establish deposit and distribution process with the Department for donations received under Section 3 (C) of this Rule. Nothing in this Rule or Program hereby provides or vests any person with a legal or administrative right to any funds collected under this Program. This Program is discretionary and charitable in nature.

C. Donation Process To The Arkansas Firefighter Cancer Relief Trust Fund

Individuals or businesses may make donations to the Program by making donations payable to the “Arkansas Firefighter Cancer Relief Trust Fund” (“Fund”). The Board may consult with the Commissioner pertaining to the administration of this Fund, related to receipt of donated funds, deposit procedures, and distribution of funds to awarded firefighters. The Board shall designate and publish the requisite contact information and describe the donation process for individuals or companies donating to this Program. The Department may assist the Board in developing any necessary administrative forms for donation amount certifications, and public notice information about the process for making donations to this Program.

SECTION 4. EFFECTIVE DATE

This Rule shall be effective on September 3, 2020. ~~August 3, 2020.~~

ALAN McCLAIN
ARKANSAS INSURANCE COMMISSIONER

DATE

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S3/28/19

A Bill

SENATE BILL 585

5 By: Senator J. Dismang
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS FIREFIGHTER CANCER
9 RELIEF NETWORK TRUST FUND; TO PROVIDE FOR THE USE OF
10 PROCEEDS TO FUND RELIEF FOR FIREFIGHTERS DIAGNOSED
11 WITH CANCER; TO PROVIDE A TAX CREDIT TO AN ENTITY
12 THAT DONATES TO THE ARKANSAS FIREFIGHTER CANCER
13 RELIEF NETWORK TRUST FUND; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 TO CREATE THE ARKANSAS FIREFIGHTER CANCER
17 RELIEF NETWORK TRUST FUND.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 19, Chapter 5, Subchapter 11, is
24 amended to add an additional section to read as follows:

25 19-5-1149. Arkansas Firefighter Cancer Relief Network Trust Fund.

26 (a) There is created on the books of the Treasurer of State, the
27 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
28 be known as the "Arkansas Firefighter Cancer Relief Network Trust Fund".

29 (b)(1) The State Insurance Department shall deposit into the State
30 Treasury one hundred percent (100%) of the moneys collected under § 21-5-110
31 to the credit of the Arkansas Firefighter Cancer Relief Network Trust Fund.

32 (2) The Arkansas Firefighter Cancer Relief Network Trust Fund
33 shall consist of funds donated under § 21-5-110 and any other moneys as may
34 be provided by law.

35 (c) The Arkansas Firefighter Cancer Relief Network Trust Fund shall be
36 used for providing funds for relief for firefighters who are diagnosed with



1 cancer and participating in a firefighter cancer relief network under § 21-5-
2 110.

3
4 SECTION 2. Arkansas Code Title 21, Chapter 5, Subchapter 1, is amended
5 to add an additional section to read as follows:

6 21-5-110. State Insurance Department – Arkansas Firefighter Cancer
7 Relief Network Trust Fund – Proceeds.

8 (a)(1) The State Insurance Department shall maintain the Arkansas
9 Firefighter Cancer Relief Network Trust Fund.

10 (2)(A) The purpose of the trust fund is to fund relief for
11 firefighters who are diagnosed with cancer and participating in a firefighter
12 cancer relief network created and governed by the Arkansas Association of
13 Fire Chiefs, the Arkansas Professional Fire Fighters Association, and the
14 Arkansas State Firefighters Association Inc. from funds donated under this
15 section.

16 (B) The department shall deposit any donated funds
17 received under subdivision (a)(2)(A) of this section into the fund.

18 (b) The Arkansas Association of Fire Chiefs, the Arkansas Professional
19 Fire Fighters Association, and the Arkansas State Firefighters Association
20 Inc. shall determine eligibility and award amounts under the rules
21 promulgated by the department.

22 (c) The entities named in subsection (b) of this section shall return
23 to the department any excess funding which has been donated to the fund for
24 the purpose of funding a firefighter cancer relief network.

25 (d) The department shall promulgate rules necessary to implement this
26 section.

27
28 SECTION 3. DO NOT CODIFY. Rules.

29 (a) The State Insurance Department shall promulgate rules necessary to
30 implement this act.

31 (b)(1) When adopting the initial rules to implement this act, the
32 final rule shall be filed with the Secretary of State for adoption under §
33 25-15-204(f):

34 (A) On or before January 1, 2020; or

35 (B) If approval under § 10-3-309 has not occurred by
36 January 1, 2020, as soon as practicable after approval under § 10-3-309.

1 (2) The department shall file the proposed rule with the
2 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
3 2020, so that the Legislative Council may consider the rule for approval
4 before January 1, 2020.

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6
7 */s/J. Dismang*

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10 **APPROVED: 4/9/19**