



State of Arkansas
Governor Asa Hutchinson

DEPARTMENT OF PUBLIC SAFETY

JAMI COOK
SECRETARY

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

May 4, 2022

Via E-Mail: garritym@blr.arkansas.gov

Director Marty Garrity
Arkansas Bureau of Legislative Research
State Capitol Room 315
Little Rock, Arkansas

RE: Law Enforcement Stipend Program Emergency Rules

Director Garrity:

Act 224 of 2022 was passed during the 2022 Fiscal Session for the purpose of providing a one-time stipend payment to eligible law enforcement officers in the State of Arkansas. The Act allows for payments to be made to officers beginning on July 1, 2022, ending June 30, 2023. The Act requires the Division of Law Enforcement Standards and Training to establish certain rules related to the one-time payments, specifically:

1. Whether a person was properly denied payment of the salary stipend for failure to satisfy the requirements necessary to qualify as an eligible full-time law enforcement officer; and
2. Whether a person was properly required to return the salary stipend.

At this time, I respectfully request to be placed on the May agenda of the Executive Committee meeting for the purpose of presenting the enclosed proposed rules to the committee for final approval.

Thank you for your consideration. Please feel free to contact me or CLEST Attorney Amanda Yarbrough should you have any questions.



Jami Cook, Secretary
Arkansas Department of Public Safety

**Rule Summary
and
Statement of
Imminent Peril**



JAMI COOK
SECRETARY

State of Arkansas
Governor Asa Hutchinson



JAMI COOK
DIRECTOR

**DIVISION OF LAW ENFORCEMENT
STANDARDS AND TRAINING**

ALETA-CAMDEN

P.O. Box 3106
East Camden, AR 71711
(870) 571-1810 FAX: (870) 574-2706

LAW ENFORCEMENT STANDARDS/ALETA-CENTRAL

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Springdale, AR 72762
(479) 361-3410 FAX: (479) 361-3412

RULE SUMMARY

Pursuant to Act 224 of 2022, the Division of Law Enforcement Standards and Training is required to promulgate rules establishing a review process to determine:

1. Whether a person was properly denied payment of the salary stipend for failure to satisfy the requirements necessary to qualify as an eligible full-time law enforcement officer; and
2. Whether a person was properly required to return the salary stipend.

STATEMENT OF IMMINENT PERIL

Act 224 of 2022 was passed during the 2022 Fiscal Session for the purpose of providing a one-time stipend payment to eligible law enforcement officers in the State of Arkansas. The Act allows for payments to be made to officers beginning on July 1, 2022, ending June 30, 2023. As outlined above, the Act requires the Division of Law Enforcement Standards and Training to establish certain rules related to the one-time payments. The proposed rules will remain in effect throughout the eligibility period for the stipend payment.

Questionnaire

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

DEPARTMENT/AGENCY Department of Public Safety
DIVISION Division of Law Enforcement Standards and Training
DIVISION DIRECTOR Jami Cook
CONTACT PERSON Amanda Yarbrough
ADDRESS #4 State Police Plaza Drive, Little Rock, AR 72209
PHONE NO. (501) 682-4750 FAX NO. (501) 682-1582 E-MAIL amanda.yarbrough@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Jami Cook, Amanda Yarbrough
PRESENTER E-MAIL amanda.yarbrough@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
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
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 Stipend Rules
2. What is the subject of the proposed rule? Review process to determine whether an officer was properly denied payment of the stipend or required to return the stipend.
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.
Act 224 of 2022
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? 07/01/2022

When does the emergency rule expire? Following the completion of the stipend program

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes ☐ No ☒

Revised June 2019

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

Review process to determine whether an officer was properly denied payment of the stipend or required to return the stipend.

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.

Act 224 of 2022

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

The Division is required by Act 224 to promulgate the proposed rules.

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).

<https://www.dps.arkansas.gov/law-enforcement/clest/>

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

Date: _____

Time: _____

Place: _____

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

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

07/01/2022

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. _____

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). _____

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.

Fiscal Impact Statement

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Public Safety

DIVISION Division of Law Enforcement Standards and Training

PERSON COMPLETING THIS STATEMENT Amanda Yarbrough

TELEPHONE NO. (501) 682-4750

FAX NO. (501) 682-1582

EMAIL: amanda.yarbrough@arkansas.gov

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 Law Enforcement Stipend Rules

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☒ No ☐

See attached fiscal impact analysis by the Dept. of Finance and Administration

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

Next Fiscal Year

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

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

Total \$ 0.00

Total \$ 0.00

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

Current Fiscal Year

Next Fiscal Year

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

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

Total \$ 0.00

Total \$ 0.00

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

\$ _____

\$ _____

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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.

Department of Finance and Administration

Amended Legislative Impact Statement

Bill: SB103

Amendment Number: S1

**Bill Subtitle: AN ACT FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION -
DISBURSING OFFICER APPROPRIATION FOR THE 2022-2023 FISCAL YEAR.**

Basic Change :

Sponsors: Sen. Hickey and Rep. Shepherd

SB103-S1 provides a one-time salary stipend to certain full-time law enforcement officers employed by an eligible state law enforcement agency or an eligible local law enforcement agency. An eligible state law enforcement agency includes the Department of Public Safety and the Department of Corrections. Eligible local law enforcement agencies include Arkansas county and municipal law enforcement agencies. Eligible full-time law enforcement officers employed as of July 1, 2022 and officers hired after July 1, 2022 but on or before January 31, 2023 who meet the eligibility requirements are entitled to the stipend.

Eligible law enforcement officers employed by a city or county and law enforcement officers employed by the Department of Corrections that supervise parolees and probationers will receive a one-time stipend of \$5,000. Other eligible law enforcement officers employed by the Department of Public Safety will receive a one-time stipend of \$2,000. These payments will be paid from funds generated by the state revenue surplus.

The Division of Law Enforcement Standards and Training (Division) will certify to the Department of Finance and Administration (DFA) the officers that are eligible for the stipend. DFA will distribute the stipend funds to the eligible state law enforcement agencies and eligible local law enforcement agencies in addition to the employer's matching share of Social Security and Medicare taxes. The eligible law enforcement agencies shall distribute the stipends to officers during payment of each eligible law enforcement agency's payroll.

An officer that receives the stipend must continue his or her employment as a full-time certified law enforcement officer with an eligible law enforcement agency for a minimum of 180 days after receipt of the stipend or be subject to repayment of the stipend unless an exception provided in the bill applies. An eligible law enforcement agency is also subject to repayment of stipend funds if the agency fails to properly pay a stipend to an officer or fails to return a stipend returned by an officer.

By June 30, 2023, an eligible law enforcement agency must submit a report to the Division certifying that each officer certified by the Division was paid the stipend. By October 1, 2023, the Division shall submit a report to the co-chairs of the Arkansas Legislative Council containing the data derived from the certifications submitted to the Division by the eligible law enforcement agencies. The Division is required to promulgate rules establishing a review process to determine if a person was properly denied payment of the stipend or properly required to return the stipend.

Revenue Impact :

FY2023 - \$40.46M

[Revenue Impact is based upon 7,300 eligible officers receiving a \$5,000 stipend and 542 eligible officers receiving a \$2,000 stipend. Revenue Impact also includes employer share of Social Security and Medicare matching for each stipend paid.]

Department of Finance and Administration

Amended Legislative Impact Statement

Bill: SB103

Amendment Number: S1

Bill Subtitle: AN ACT FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION -
DISBURSING OFFICER APPROPRIATION FOR THE 2022-2023 FISCAL YEAR.

Taxpayer Impact :

None.

Resources Required :

None.

Time Required :

Adequate time is provided for implementation.

Procedural Changes :

None.

Other Comments :

None.

Legal Analysis :

None.

Rules – Markup

LAW ENFORCEMENT STIPEND PROGRAM

Pursuant to the authority granted to the Division of Law Enforcement Standards and Training in Act 224 of 2022, the following rules are being promulgated to provide additional clarity related to the law enforcement stipend payment available to full-time law enforcement officers in the State of Arkansas and to establish a review process for officers that are denied payment of the stipend or are required to repay the stipend payment after receiving it.

(A) DEFINITIONS

(1) "Eligible local law enforcement agency" includes the following:

(a) An Arkansas County;

(i) "Arkansas County" means a Sheriff's Office in the State of Arkansas, County Prosecutor's Office in the State of Arkansas, or other agency that, unless otherwise excluded by law or rule, is funded by or through a county in Arkansas.

(b) Drug Task Force;

(c) Municipal Police Department; and

(i) Municipal Police Department means a city, town, locality, or political subdivision in the State of Arkansas.

(d) Any other agency specifically included in Act 224 of 2022.

(2) "Eligible local law enforcement agency" does not include the following:

(a) City, town, county, state or other court;

(b) Constable;

(c) County, regional, or city jail or correctional or detention center; or

(d) Any other agency specifically excluded by Act 224 of 2022.

(B) REVIEW PROCESS FOR DENIAL OF PAYMENT OF THE STIPEND

(1) If an officer is denied payment of the stipend following the Division of Law Enforcement Standards and Training's ("Division") determination that the officer failed to satisfy the requirements necessary to qualify for the stipend, the officer may make a request for reconsideration to the Division.

(a) Requests for reconsideration for denial of payment must be submitted on a form provided by the Division.

(b) Requests for reconsideration for denial of payment must be submitted in writing to the Division of Law Enforcement Standards and Training, #4 State Police Plaza Drive, Little Rock, Arkansas 72209, on or before May 1, 2023 in order to be considered.

(c) If the Division receives a request for reconsideration for denial of payment, the Division will prepare all relevant documents and information related to the denial and submit it, with the officer's request, to the Secretary of the Department of Public Safety.

(d) The Secretary will review the request for reconsideration and all documents provided by the Division and make a determination.

(i) Officers are not entitled to a hearing or to present oral testimony related to their request for reconsideration for denial of payment.

(e) The Secretary, or their designee, will provide a final determination to the officer in writing.

(f) Determinations by the Secretary are final.

(C) REVIEW PROCESS FOR REQUIREMENT TO REPAY THE STIPEND AFTER RECEIVING PAYMENT.

(1) If an officer is notified by the law enforcement agency that issued the stipend payment, the Division, or the Department of Finance and Administration, that the officer is required to return the salary stipend after receiving it, the officer may make a request for reconsideration to the Division.

(a) Requests for reconsideration for repayment of the stipend must be submitted on a form provided by the Division.

(b) Requests for reconsideration for repayment of the stipend must be submitted in writing to the Division of Law Enforcement Standards and Training, #4 State Police Plaza Drive, Little Rock, Arkansas 72209, within ten (10) calendar days of receiving notice in order to be considered.

(c) If the Division receives a request for reconsideration for repayment of the stipend, the Division will prepare all relevant documents and information related to the repayment requirement and submit it, with the officer's request, to the Secretary of the Department of Public Safety.

(d) The Secretary will review the request for reconsideration and all documents provided by the Division and make a determination.

(i) Officers are not entitled to a hearing or to present oral testimony related to their request for reconsideration.

(e) The Secretary, or their designee, will provide a final determination to the officer in writing.

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Rules – Clean

LAW ENFORCEMENT STIPEND PROGRAM

Pursuant to the authority granted to the Division of Law Enforcement Standards and Training in Act 224 of 2022, the following rules are being promulgated to provide additional clarity related to the law enforcement stipend payment available to full-time law enforcement officers in the State of Arkansas and to establish a review process for officers that are denied payment of the stipend or are required to repay the stipend payment after receiving it.

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(b) Drug Task Force;

(c) Municipal Police Department; and

(i) Municipal Police Department means a city, town, locality, or political subdivision in the State of Arkansas.

(d) Any other agency specifically included in Act 224 of 2022.

(2) "Eligible local law enforcement agency" does not include the following:

(a) City, town, county, state or other court;

(b) Constable;

(c) County, regional, or city jail or correctional or detention center; or

(d) Any other agency specifically excluded by Act 224 of 2022.

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(1) If an officer is denied payment of the stipend following the Division of Law Enforcement Standards and Training's ("Division") determination that the officer failed to satisfy the requirements necessary to qualify for the stipend, the officer may make a request for reconsideration to the Division.

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(a) Requests for reconsideration for repayment of the stipend must be submitted on a form provided by the Division.

(b) Requests for reconsideration for repayment of the stipend must be submitted in writing to the Division of Law Enforcement Standards and Training, #4 State Police Plaza Drive, Little Rock, Arkansas 72209, within ten (10) calendar days of receiving notice in order to be considered.

(c) If the Division receives a request for reconsideration for repayment of the stipend, the Division will prepare all relevant documents and information related to the repayment requirement and submit it, with the officer's request, to the Secretary of the Department of Public Safety.

(d) The Secretary will review the request for reconsideration and all documents provided by the Division and make a determination.

(i) Officers are not entitled to a hearing or to present oral testimony related to their request for reconsideration.

(e) The Secretary, or their designee, will provide a final determination to the officer in writing.

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Proposed Forms



JAMI COOK
SECRETARY

State of Arkansas
Governor Asa Hutchinson



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STANDARDS AND TRAINING**

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(479) 361-3410 FAX: (479) 361-3412

OFFICER ACKNOWLEDGEMENT

I, _____ (name) hereby acknowledge the following:

1. I have read Act 224 of 2022 and the requirements to receive and retain the salary stipend; and
2. I satisfy the requirements to receive the salary stipend; and
3. A request for a stipend payment has not been made on my behalf by any other law enforcement agency; and
4. I am required by law to return the salary stipend to the agency that issued the stipend payment should I fail to comply with the requirements to retain the salary stipend, including being decertified within 180 days of receipt of the stipend payment or separating from the employing agency for a reason not allowed by Act 224.

I agree to immediately return the stipend payment to the agency that issued the payment if required to do so by law or rule.

Signature

Date



JAMI COOK
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VERIFICATION FORM

DATE: _____

LAW ENFORCEMENT AGENCY: _____

OFFICER'S NAME: _____

OFFICER'S CLEST ID NUMBER: _____

EMPLOYMENT (Choose One):

☐ EMPLOYED FULL-TIME AS OF JULY 1, 2022

☐ EMPLOYED FULL-TIME AFTER JULY 1, 2022 BUT ON OR BEFORE JANUARY 31, 2023

DATE EMPLOYED AS A FULL-TIME OFFICER: _____

CLASSIFICATION (Choose One): ☐ FULL-TIME ☐ PART-TIME ☐ AUXILIARY ☐ SPECIALIZED

HAS THE OFFICER COMPLETED THE BASIC ACADEMY? ☐ YES ☐ NO

ACADEMY: _____

GRADUATION DATE: _____

LAW ENFORCEMENT AGENCY ACKNOWLEDGEMENT

I, _____ (name), hereby acknowledge the following:

1. Funding provided under Act 224 of 2022 is a one-time disbursement and request for and subsequent receipt of funding for the salary stipends does not in any manner entitle the law enforcement agency to additional funding for future salary stipends; and
2. If funds are received by the law enforcement agency, the state is no longer responsible to an individual eligible full-time law enforcement officer who is employed by the law enforcement agency for payment of the salary stipend.
3. Failure to abide by the requirements of Act 224 of 2022 may subject the law enforcement agency to an administrative penalty equaling ten percent (10%) of the funds received and wrongfully or improperly returned, plus interest at the rate of ten percent (10%) per annum and any other assessed fees as determined by the Secretary of the Department of Finance and Administration.
4. By June 30, 2023, the law enforcement agency shall submit a report to the Division of Law Enforcement Standards and Training certifying that each eligible full-time law enforcement officer who was verified by the Division received the salary stipend. The report will include the amount paid to each officer.

5. The law enforcement officer named on this form is currently employed by the named law enforcement agency, is primarily involved in law enforcement, and is not currently pending decertification.
6. The law enforcement agency agrees to submit to an audit by Legislative Audit to certify that payments were made in accordance with state law.
7. The law enforcement agency is responsible for notifying the officer and the Division of Law Enforcement Standards and Training should the officer cease to meet eligibility criteria and is required to repay the stipend payment.

Signature

Title

- FORM MUST BE SIGNED BY THE CHIEF LAW ENFORCEMENT OFFICER OF THE LAW ENFORCEMENT AGENCY
- FORMS RECEIVED AFTER JUNE 1, 2023 WILL BE REJECTED BY THE DIVISION
- OFFICERS HIRED AFTER JANUARY 31, 2023 ARE NOT ELIGIBLE TO RECEIVE THE STIPEND. FORMS SUBMITTED FOR OFFICERS HIRED AFTER JANUARY 31, 2023 WILL BE REJECTED BY THE DIVISION



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REQUEST FOR RECONSIDERATION

DATE: _____

REQUESTING RECONSIDERATION FOR (Choose One):

☐ DENIAL OF STIPEND PAYMENT ☐ OBLIGATION TO REPAY STIPEND PAYMENT

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

STATE, IN DETAIL, THE REASON FOR THE REQUEST. INCLUDE CITATIONS TO THE
STATUTE OR RULE THAT SUPPORTS THE REQUEST:

Signature

Act 224 of 2022

State of Arkansas As Engrossed: S2/23/22 S3/1/22

93rd General Assembly

A Bill

Fiscal Session, 2022

SENATE BILL 103

By: Senator Hickey

By: Representative Shepherd

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR LAW ENFORCEMENT
STIPEND GRANTS FOR THE DEPARTMENT OF FINANCE AND
ADMINISTRATION - DISBURSING OFFICER FOR THE FISCAL
YEAR ENDING JUNE 30, 2023; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF FINANCE AND
ADMINISTRATION - DISBURSING OFFICER
APPROPRIATION FOR THE 2022-2023 FISCAL
YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. APPROPRIATION - LAW ENFORCEMENT STIPEND GRANTS. There is
hereby appropriated, to the Department of Finance and Administration -
Disbursing Officer, to be payable from the Law Enforcement Stipend Grants
Sub-Fund of the Miscellaneous Agencies Fund Account, for Law Enforcement
Stipend Grants for the fiscal year ending June 30, 2023, the following:

ITEM	FISCAL YEAR
NO.	2022-2023
(01) LAW ENFORCEMENT STIPEND GRANTS	<u>\$50,000,000</u>

SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LAW
ENFORCEMENT STIPEND GRANTS.

(a)(1) This section shall be known and may be cited as the "Arkansas



1 Full-Time Law Enforcement Officer Salary Stipend Act of 2022".

2 (2) It is the intent of the General Assembly that:

3 (A) An eligible full-time law enforcement officer is not
4 awarded more than one (1) salary stipend under this section even if the
5 eligible full-time law enforcement officer is employed by more than one (1)
6 eligible local law enforcement agency or eligible state law enforcement
7 agency during the applicable time period described under this section; and

8 (B) The salary stipends awarded under this section shall
9 not occur more than one (1) time unless authorized by the General Assembly in
10 subsequent legislation.

11 (3)(A) While all persons employed by a local or a state law
12 enforcement agency or other state agency, locality, or political subdivision
13 of the state are engaged in important and vital work in our criminal justice
14 system, it is the intent of the General Assembly to limit the salary stipends
15 provided for under this section to the most vital law enforcement officers
16 who are out on the street, literally standing between criminals and the
17 public or engaged in the active investigation of criminal acts committed
18 against the public at large.

19 (B) As such, the General Assembly intends for the salary
20 stipends to be awarded to our state troopers, our deputy county sheriffs, our
21 city and municipal police officers, our officers engaged in closely
22 supervising our probationers and parolees, detectives who solve crimes, our
23 patrolmen and patrolwomen, our criminal investigators, and any of the other
24 certified law enforcement officers who patrol and work our streets, who are
25 the face of our communities, and who are active every day in protecting the
26 public and stopping and investigating crime.

27 (b) As used in this section:

28 (1) "Auxiliary law enforcement officer" means a person who:

29 (A) Meets the minimum standards and training requirements
30 prescribed for an auxiliary law enforcement officer by law;

31 (B) Receives no salary or wages for the performance of his
32 or her duties; and

33 (C) Is appointed by a political subdivision of the state
34 or a law enforcement agency as a reserve officer, volunteer officer, or
35 mounted patrol, not including any law enforcement officer or deputy county
36 sheriff employed by a planned community property owners' association;

1 (2)(A) "Eligible full-time law enforcement officer" means a
2 person who:

3 (i) Is an appointed law enforcement officer
4 responsible for the prevention and detection of crime and the enforcement of
5 the criminal, traffic, or highway laws of this state;

6 (ii) Is employed by and receives a salary authorized
7 by an eligible local law enforcement agency or eligible state law enforcement
8 agency;

9 (iii) Has the statutory authority to enforce the
10 criminal, traffic, and highway laws of the state and serves a law enforcement
11 function for an eligible local law enforcement agency or eligible state law
12 enforcement agency;

13 (iv) Is employed as a law enforcement officer more
14 than twenty-four (24) hours per week; and

15 (v) Has satisfactorily completed a program of basic
16 law enforcement training at a school approved by the Arkansas Commission on
17 Law Enforcement Standards and Training.

18 (B) "Eligible full-time law enforcement officer" includes
19 a person who satisfies the requirements of subdivision (b)(2)(A) of this
20 section and who is employed as specialized police personnel for the
21 Department of Corrections.

22 (C) "Eligible full-time law enforcement officer" does not
23 include a person employed as:

24 (i) Specialized police personnel not employed by the
25 Department of Corrections, including without limitation:

26 (a) An employee of a county, regional, or city
27 jail or correctional or detention center who is not otherwise employed as an
28 eligible full-time law enforcement officer;

29 (b) A probation or parole officer who is not
30 otherwise employed as an eligible full-time law enforcement officer; or

31 (c) A bailiff;

32 (ii) An auxiliary law enforcement officer;

33 (iii) A part-time law enforcement officer;

34 (iv) A law enforcement officer of the United States
35 Government;

36 (v) An elected law enforcement officer who is:

- 1 (a) Not a certified law enforcement officer;
2 (b) Employed as a law enforcement officer no
3 more than twenty-four (24) hours per week; or
4 (c) Both;
5 (vi) An employee of a law enforcement agency, state
6 agency, or state department who is not primarily involved in law enforcement;
7 (vii) A law enforcement officer who is currently
8 pending decertification as a law enforcement officer; or
9 (viii) A law enforcement officer primarily employed
10 as a law enforcement officer by an educational institution, including a
11 public or private;

- 12 (a) Prekindergarten school;
13 (b) Primary school;
14 (c) Secondary school; or
15 (d) Institution of higher education;
16 (3) "Eligible local law enforcement agency" means the following
17 that employ an eligible full-time law enforcement officer:

- 18 (A) An Arkansas county; or
19 (B) An Arkansas municipal police department;
20 (4) "Eligible state law enforcement agency" means the Department
21 of Public Safety and the Department of Corrections;

- 22 (5) "Part-time law enforcement officer" means a person who:
23 (A) Is employed by and receives a salary authorized by a
24 law enforcement agency;

- 25 (B) Has the statutory authority to enforce the criminal,
26 traffic, or highway laws of this state; and

- 27 (C) Is employed as a law enforcement officer no more than
28 twenty-four (24) hours per week;

- 29 (6) "Retirement of the eligible full-time law enforcement
30 officer" means that an eligible full-time law enforcement officer has ceased
31 employment as an eligible full-time law enforcement officer with an eligible
32 local law enforcement agency or eligible state law enforcement agency and is
33 scheduled or otherwise approved by the applicable retirement system or plan
34 to draw retirement benefits as a retired eligible full-time law enforcement
35 officer; and

- 36 (7) "Specialized police personnel" means a full-time or part-

1 time law enforcement officer authorized by statute or employed by a law
2 enforcement agency whose duty as prescribed by law or ordinance is enforcing
3 some part of the criminal or highway laws of this state and whose authority
4 is limited to the facility or area in which he or she works.

5 (c)(1) Subject to an appropriation provided by the General Assembly,
6 an eligible full-time law enforcement officer who is:

7 (A) Employed by an eligible state law enforcement agency
8 or an eligible local law enforcement agency on July 1, 2022, is eligible to
9 receive a one-time salary stipend as described under subsection (g) of this
10 section upon verification of eligibility for the salary stipend by the
11 Division of Law Enforcement Standards and Training; or

12 (B) First employed by an eligible local law enforcement
13 agency or an eligible state law enforcement agency after July 1, 2022, but on
14 or before January 31, 2023, shall receive a one-time salary stipend as
15 described under subsection (g) of this section upon certification to the
16 division by the eligible local law enforcement agency or eligible state law
17 enforcement agency that the eligible full-time law enforcement officer is
18 currently employed by the eligible local law enforcement agency or eligible
19 state law enforcement agency as a full-time law enforcement officer at the
20 time of certification to the division.

21 (2) An eligible local law enforcement agency is required as a
22 condition of receiving funding for the salary stipends provided for under
23 this section to:

24 (A) Proactively request to the division for the salary
25 stipend funds to be distributed to an eligible full-time law enforcement
26 officer;

27 (B) Acknowledge that:

28 (i) The funding provided for under this section is a
29 one-time disbursement and that request for and subsequent receipt of funding
30 for the salary stipends does not in any manner entitle the eligible local law
31 enforcement agency for additional funding for future salary stipends; and

32 (ii) If the funds are received by the eligible local
33 law enforcement agency, the state is no longer responsible to an individual
34 eligible full-time law enforcement officer who is employed by the eligible
35 local law enforcement agency for payment of the salary stipend provided for
36 under this section;

1 (C) Adjust the eligible local law enforcement agency's
2 budget to permit the disbursement of the salary stipends to the eligible
3 local law enforcement agency's full-time law enforcement officers as the
4 local governing body requires; and

5 (D) Agree to being subject to audit by Arkansas
6 Legislative Audit concerning the request for, receipt of, and disbursement of
7 the salary stipend funding.

8 (d)(1) Between July 1, 2022, and August 1, 2022, an eligible local law
9 enforcement agency or an eligible state law enforcement agency that requests
10 funding for the salary stipends provided for under this section shall provide
11 a certification on a form provided by the division that identifies each
12 eligible full-time law enforcement officer employed by the eligible local law
13 enforcement agency or eligible state law enforcement agency as a full-time
14 law enforcement officer on July 1, 2022.

15 (2) The form shall be signed by the chief law enforcement
16 officer of the eligible local law enforcement agency or eligible state law
17 enforcement agency and shall include:

18 (A) The name of the eligible full-time law enforcement
19 officer;

20 (B) The date the eligible full-time law enforcement
21 officer began his or her current employment with the eligible local law
22 enforcement agency or eligible state law enforcement agency as a full-time
23 law enforcement officer; and

24 (C) Any other information required by the division to
25 properly verify eligibility for the salary stipend provided for by this
26 section.

27 (e) As soon as practicable, an eligible local law enforcement agency
28 or an eligible state law enforcement agency that employs an eligible full-
29 time law enforcement officer after July 1, 2022, but on or before January 31,
30 2023, shall provide the form under subdivision (d)(1) of this section to the
31 division for the eligible full-time law enforcement officer.

32 (f) The division shall:

33 (1) Deny any form received under this section from an eligible
34 local law enforcement agency or eligible state law enforcement agency for an
35 eligible full-time law enforcement officer first employed as a full-time law
36 enforcement officer after January 31, 2023;

1 (2) Deny any form received under this section from an eligible
2 local law enforcement agency or eligible state law enforcement agency if the
3 form is received after June 1, 2023;

4 (3) Verify that each full-time law enforcement officer certified
5 to the division as eligible for the salary stipend satisfies the employment,
6 training, and other requirements for eligibility;

7 (4) Provide a certification to the Secretary of the Department
8 of Finance and Administration that includes the following information:

9 (A) The name of each eligible local law enforcement agency
10 and eligible state law enforcement agency employing an eligible full-time law
11 enforcement officer;

12 (B) The name of any eligible full-time law enforcement
13 officer employed by an eligible local law enforcement agency or an eligible
14 state law enforcement agency that qualifies for the salary stipend provided
15 for by this section; and

16 (C) Any other information required by the secretary to
17 properly issue payments to an eligible local law enforcement agency or an
18 eligible state law enforcement agency under this section; and

19 (5) Adopt a form to be signed by an eligible full-time law
20 enforcement officer prior to receiving the salary stipend acknowledging that
21 the eligible full-time law enforcement officer:

22 (A) Has read the requirements to receive and retain the
23 salary stipend;

24 (B) Satisfies the requirements of this section to receive
25 the salary stipend; and

26 (C) Is required by law to return the salary stipend to the
27 eligible local law enforcement agency or eligible state law enforcement
28 agency issuing the salary stipend should he or she fail to comply with the
29 requirements to retain the salary stipend.

30 (g)(1) The secretary, in his or her capacity as Chief Fiscal Officer
31 of the State, shall:

32 (A) Transfer funds from the Law Enforcement Stipend Grant
33 Sub-fund in the Miscellaneous Agencies Fund Account for use in issuing
34 payments to an eligible local law enforcement agency or an eligible state law
35 enforcement agency under this section;

36 (B) Issue a salary stipend to each eligible local law

1 enforcement agency equal to:

2 (i) Five thousand dollars (\$5,000) for each eligible
3 full-time law enforcement officer certified by the division and employed by
4 that eligible local law enforcement agency as a full-time law enforcement
5 officer; and

6 (ii) The employer's matching share of Social
7 Security and Medicare taxes due on that salary stipend as required by federal
8 law in effect on January 1, 2022;

9 (C) Initiate a fund transfer for a salary stipend to the
10 appropriate state agency fund for an eligible state law enforcement agency
11 employing a full-time law enforcement officer, as follows:

12 (i) The fund transfer shall be equal to:

13 (a) Two thousand dollars (\$2,000) for each
14 eligible full-time law enforcement officer certified by the division and
15 employed by that eligible state law enforcement agency unless the eligible
16 full-time law enforcement officer has the primary job responsibility of
17 supervising parolees and probationers, in which case the amount is five
18 thousand dollars (\$5,000); and

19 (ii) The employer's matching share of Social
20 Security and Medicare taxes due on that salary stipend as required by federal
21 law in effect on January 1, 2022; and

22 (D) Deny payment of the salary stipend based on a
23 certification form received from the division after June 15, 2023.

24 (2) An eligible full-time law enforcement officer shall not be
25 awarded more than one (1) salary stipend under this section even if the
26 eligible full-time law enforcement officer is employed by more than one (1)
27 eligible local law enforcement agency or eligible state law enforcement
28 agency during the applicable time period described under this section.

29 (h) Both an eligible local law enforcement agency and an eligible
30 state law enforcement agency shall:

31 (1) Pay the salary stipend under this section to an eligible
32 full-time law enforcement officer in the eligible full-time law enforcement
33 officer's next paycheck or as soon as practicable following receipt of funds
34 from the secretary;

35 (2) Withhold from the salary stipend income taxes, the
36 employee's share of Social Security and Medicare taxes, and any other

1 withholdings required by state or federal law or required by court order;

2 (3) Verify that salary stipends are only issued to persons
3 meeting the eligibility requirements of this section; and

4 (4) Shall not use the funds under this section for any other
5 purpose.

6 (i)(1) Funds received under this section shall be returned to the
7 secretary by the eligible local law enforcement agency or eligible state law
8 enforcement agency if it is later determined that a person certified by the
9 division as eligible for the salary stipend was actually ineligible for the
10 salary stipend.

11 (2) A person who receives the salary stipend provided for by
12 this section who is subsequently decertified as a law enforcement officer
13 shall immediately return the salary stipend to the eligible local law
14 enforcement agency or eligible state law enforcement agency issuing the
15 salary stipend if the decertification becomes effective within one hundred
16 eighty (180) days of the date the person received the salary stipend.

17 (3) An eligible full-time law enforcement officer who receives
18 the salary stipend provided for by this section and who resigns his or her
19 employment or ceases to be employed with an eligible local law enforcement
20 agency or an eligible state law enforcement agency within one hundred eighty
21 (180) days of receiving the salary stipend shall immediately return the
22 salary stipend to the eligible local law enforcement agency or eligible state
23 law enforcement agency issuing the salary stipend unless the resignation or
24 cessation of employment occurred:

25 (A) To immediately accept employment as an eligible full-
26 time law enforcement officer with another eligible local law enforcement
27 agency or an eligible state law enforcement agency;

28 (B) As a result of the death of the eligible full-time law
29 enforcement officer;

30 (C) As a result of the retirement of the eligible full-
31 time law enforcement officer;

32 (D) Due to a medical necessity of the eligible full-time
33 law enforcement officer or a member of the eligible full-time law enforcement
34 officer's family; or

35 (E) For reasons beyond the eligible full-time law
36 enforcement officer's control.

1 (4) An eligible local law enforcement agency or an eligible
2 state law enforcement agency that receives a return of a salary stipend under
3 subdivision (i)(2) or subdivision (i)(3) of this section shall return the
4 returned salary stipend to the secretary immediately following receipt of the
5 returned salary stipend.

6 (5)(A) If the division or the secretary determines that an
7 eligible local law enforcement agency of a county, city, or town has failed
8 to properly pay the salary stipend to an eligible full-time law enforcement
9 officer as required by this section or has failed to return a salary stipend
10 returned by an eligible full-time law enforcement officer who was
11 decertified, resigned, or otherwise ceased employment, the division or the
12 secretary shall notify the Treasurer of State.

13 (B) Upon notification under subdivision (i)(5)(A) of this
14 section, the Treasurer of State shall then withhold from the county or
15 municipal aid of the county, city, or town an amount equal to the funds that
16 were improperly paid to the eligible full-time law enforcement officer or not
17 properly returned and shall remit those amounts to the secretary for deposit
18 into the General Revenue Allotment Reserve Fund.

19 (6)(A)(i) An eligible local law enforcement agency that
20 knowingly fails to abide by the requirements of this subsection is subject to
21 an administrative penalty equaling ten percent (10%) of the funds received
22 and wrongfully or improperly returned, plus interest at the rate of ten
23 percent (10%) per annum and any other assessed fees, as determined by the
24 secretary.

25 (ii) Administrative penalties, interest, and fees
26 under subdivision (i)(6)(A)(i) of this section shall be deposited into the
27 General Revenue Allotment Reserve Fund.

28 (B)(i) An appeal from an adverse decision by the secretary
29 concerning the failure to abide by the requirements of this subsection may be
30 made to the Legislative Council, or if the General Assembly is in session,
31 the Joint Budget Committee, which shall proceed with hearing the appeal
32 subject to the rules of the Legislative Council, or if applicable, the Joint
33 Budget Committee.

34 (ii) The Legislative Council or, if applicable,
35 Joint Budget Committee, may issue an advisory opinion as to the validity of
36 the appeal and shall forward the advisory opinion to the Director of the

1 Department of Finance and Administration.

2 (j)(1) By June 30, 2023, an eligible local law enforcement agency or
3 an eligible state law enforcement agency receiving funds under this section
4 shall submit a report to the division certifying that each eligible full-time
5 law enforcement officer who was verified by the division received the salary
6 stipend and the amount paid to each eligible full-time law enforcement
7 officer.

8 (2) The division shall prepare and submit a report containing
9 the data described under subdivision (j)(1) of this section to the co'chairs
10 of the Legislative Council no later than October 1, 2023.

11 (k) The division shall promulgate rules establishing a review process
12 to determine:

13 (1) Whether a person was properly denied payment of the salary
14 stipend for failure to satisfy the requirements necessary to qualify as an
15 eligible full-time law enforcement officer; and

16 (2) Whether a person was properly required to return the salary
17 stipend.

18
19 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
21 TRANSFER. (i) Immediately upon the effective date of this Section or as soon
22 as is practicable, the Chief Fiscal Officer of the State shall transfer on
23 his or her books and those of the State Treasurer and the Auditor of the
24 State the sum of fifty million dollars (\$50,000,000) from the General Revenue
25 Allotment Reserve Fund to the Law Enforcement Stipend Grant Sub-Fund in the
26 Miscellaneous Agencies Fund Account to provide funding exclusively for the
27 Law Enforcement Stipend Grants Appropriation in Section 1 in this Act to be
28 distributed as set out in Law Enforcement Stipend Grants Special Language in
29 Section 2 of this Act.

30 (ii) Any funds not expended in the Law Enforcement Stipend Grant Sub-
31 Fund in the Miscellaneous Agencies Fund Account as established in subsection
32 (i) herein after June 30, 2023 shall be transferred to the General Revenue
33 Allotment Reserve Fund.

34 (iii) The provisions of this section shall be in effect upon passage
35 and approval through June 30, 2023.

36

1 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
2 authorized by this act shall be limited to the appropriation for such agency
3 and funds made available by law for the support of such appropriations; and
4 the restrictions of the State Procurement Law, the General Accounting and
5 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
6 Procedures and Restrictions Act, or their successors, and other fiscal
7 control laws of this State, where applicable, and regulations promulgated by
8 the Department of Finance and Administration, as authorized by law, shall be
9 strictly complied with in disbursement of said funds.

10

11 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General
12 Assembly that any funds disbursed under the authority of the appropriations
13 contained in this act shall be in compliance with the stated reasons for
14 which this act was adopted, as evidenced by the Agency Requests, Executive
15 Recommendations and Legislative Recommendations contained in the budget
16 manuals prepared by the Department of Finance and Administration, letters, or
17 summarized oral testimony in the official minutes of the Arkansas Legislative
18 Council or Joint Budget Committee which relate to its passage and adoption.

19

20 SECTION 6. EFFECTIVE DATE. Section 1, 4, and 5 of this act are
21 effective on and after July 1, 2022.

22

23 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
24 Assembly of the State of Arkansas that the safety and security of Arkansas
25 citizens and businesses require the presence of a trained workforce of
26 qualified law enforcement officers; that economic conditions have impaired
27 the ability of state and local governments to recruit and retain qualified
28 law enforcement officers; and that Sections 2 and 3 of this act would improve
29 the safety of all citizens by providing immediate financial benefits to
30 encourage the recruitment and retention of qualified law enforcement
31 officers. Therefore, an emergency is declared to exist, and Sections 2 and 3
32 of this act being immediately necessary for the preservation of the public
33 peace, health, and safety shall become effective on:

34

(1) The date of its approval by the Governor;

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(2) If the bill is neither approved nor vetoed by the Governor,

36

the expiration of the period of time during which the Governor may veto the

1 bill; or

2 (3) If the bill is vetoed by the Governor and the veto is
3 overridden, the date the last house overrides the veto.

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5 /s/Hickey

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8 APPROVED: 3/8/22

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**STATE OF ARKANSAS
BUREAU OF
LEGISLATIVE RESEARCH**

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Tim Carlock, Assistant Director
for Information Technology
Matthew Miller, Assistant Director
for Legal Services
Jessica Whittaker, Assistant Director
for Research Services

Memorandum

TO: Members, ALC – Executive Subcommittee

CC: Marty Garrity, Director, Bureau of Legislative Research

FROM: Suba Desikan, Legislative Attorney, Administrative Rules Review Section, Legal Services Division

DATE: May 5, 2022

SUBJECT: Legal Authorization for the Emergency Promulgation of the Law Enforcement Stipend Rules by the Arkansas Department of Public Safety’s Division of Law Enforcement Standards and Training

The Division of Law Enforcement Standards and Training (“Division”) of the Department of Public Safety seeks legislative review and approval for the emergency promulgation of its Law Enforcement Stipend Rules. The proposed emergency rules establish the review process anticipated by Act 224 of 2022. Act 224 of 2022, sponsored by Senator Jimmy Hickey, made appropriation for law enforcement stipend grants, which provide a one-time salary stipend to certain full-time law enforcement officers employed by an eligible state law enforcement agency. Pursuant to the Act, the Division shall promulgate rules establishing a review process to determine: (1) whether a person was properly denied payment of the salary stipend for failure to satisfy the requirements necessary to qualify as an eligible full-time law enforcement officer, and (2) whether a person was properly required to return the salary stipend. *See* Act 224 of 2022, § 2(k).