

Stricken language will be deleted and underlined language will be added.

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

2 93rd General Assembly **A Bill**

3 Fiscal Session, 2022 SENATE BILL 103

4

5 By: Senator Hickey

6 By: Representative Shepherd

7

8 **For An Act To Be Entitled**

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

13

14 **Subtitle**

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

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20

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

22

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

28

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

32

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

36 (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 cochairs
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.

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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;

35 (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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