

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

State of Arkansas
93rd General Assembly
Fiscal Session, 2022

As Engrossed: S2/23/22 S3/1/22
A Bill

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 NO.	FISCAL YEAR
(01) LAW ENFORCEMENT STIPEND GRANTS	2022-2023 <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



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

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

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

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

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

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

(b) As used in this section:

(1) “Auxiliary law enforcement officer” means a person who:

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

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

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

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

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

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

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

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

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

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

(C) “Eligible full-time law enforcement officer” does not include a person employed as:

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

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

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

(c) A bailiff;

(ii) An auxiliary law enforcement officer;

(iii) A part-time law enforcement officer;

(iv) A law enforcement officer of the United States

Government;

(v) An elected law enforcement officer who is:

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

- (a) Prekindergarten school;
- (b) Primary school;
- (c) Secondary school; or
- (d) Institution of higher education;

(3) "Eligible local law enforcement agency" means the following that employ an eligible full-time law enforcement officer:

- (A) An Arkansas county; or
- (B) An Arkansas municipal police department;

(4) "Eligible state law enforcement agency" means the Department of Public Safety and the Department of Corrections;

(5) "Part-time law enforcement officer" means a person who:

- (A) Is employed by and receives a salary authorized by a law enforcement agency;
- (B) Has the statutory authority to enforce the criminal, traffic, or highway laws of this state; and
- (C) Is employed as a law enforcement officer no more than twenty-four (24) hours per week;

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

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

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

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

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

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

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

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

(B) Acknowledge that:

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

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

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

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

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

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

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

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

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

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

(f) The division shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

enforcement agency equal to:

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

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

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

(i) The fund transfer shall be equal to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6)(A)(i) An eligible local law enforcement agency that knowingly fails to abide by the requirements of this subsection is subject 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.

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

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

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

Department of Finance and Administration.

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

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

(k) 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.

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

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

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

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

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

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

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

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

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the

bill; or

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

/s/Hickey