

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 728 OF 1997
HOUSE BILL 1727

4
5 By: Representative Simon
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For An Act To Be Entitled

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9 "AN ACT TO AUTHORIZE CITIES OF THE SECOND CLASS AND
10 INCORPORATED TOWNS TO FORM A DEPARTMENT OF PUBLIC SAFETY;
11 TO PRESCRIBE ITS DUTIES, FUNCTIONS AND AUTHORITY; AND FOR
12 OTHER PURPOSES."

Subtitle

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15 "TO AUTHORIZE SMALL CITIES AND
16 INCORPORATED TOWNS TO FORM A DEPARTMENT
17 OF PUBLIC SAFETY AND TO PRESCRIBE ITS
18 DUTIES AND FUNCTIONS."
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. (a) The governing body of any city of the second class or
23 incorporated town, may, by ordinance, create a department of public safety.

24 (b) A city or town department of public safety shall perform the
25 functions of, and have all the rights, responsibilities, and duties of, a
26 police department or the city or town marshal's office and a municipal fire
27 department. Further, it may perform any other departmental functions deemed
28 by the governing body of the city or town to be necessary for the public
29 safety of its citizens including, but not limited to, emergency medical
30 services, ambulance services, or building and health code enforcement.
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32 SECTION 2. (a) Once the department is formed, the mayors in cities of
33 the second class and incorporated towns shall have the power to appoint and
34 remove the director of the department of public safety, unless the city or
35 town council shall, by a two-thirds (2/3) majority of the total membership of
36 the council, vote to override the mayor's action.

1 (b) Upon the creation of the department, the existing police department
 2 or the city or town marshal's office and the existing fire department shall be
 3 abolished and transferred to the department of public safety.

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 5 SECTION 3. Employees of the department of public safety may perform the
 6 functions of police officers, fire fighters, or other services the department
 7 may be empowered to undertake if the particular employee is qualified under
 8 standards adopted by the governing body of the city to perform these functions
 9 and is in compliance with and qualified or certified by the applicable state
 10 laws.

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 12 SECTION 4. (a) For the purposes of regulating work hours, vacation
 13 days, sick leave, and other employee benefits, a department of public safety
 14 shall be deemed to be a fire department.

15 (b) A department of public safety may participate in available pension
 16 programs in either the police or fire category, or both, and conditioned on
 17 their creation and availability within the particular city or town. However,
 18 no employee of the department shall accrue benefits in both categories at the
 19 same time.

20 (c) Volunteers for fire services provided by the department of public
 21 safety may accrue benefits as volunteer fire fighters.

22 (d) Employees of a department of public safety shall be eligible for
 23 all county, state, or federal death or disability benefits provided for police
 24 officers or fire fighters.

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 26 SECTION 5. (a) A department of public safety shall be entitled to all
 27 available county, state, and federal grants, turn-back moneys, insurance
 28 premium tax funds, loans, discounts, or other benefits of a similar nature
 29 available to police or fire departments for training or equipment.

30 (b) All applicable regulations and statutes regulating the
 31 certification of law enforcement officers, the certification of fire
 32 departments, the conduct of police or fire departments or their functions
 33 shall apply to a department of public safety and its employees.

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 35 SECTION 6. All provisions of this act of general and permanent nature
 36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 7. If any provisions of this act or the application thereof to
4 any person or circumstance is held invalid, the invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provisions or application, and to this end the provisions of this
7 act are declared to be severable.

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9 SECTION 8. All laws and parts of laws in conflict with this act are
10 hereby repealed.

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13 APPROVED:3-20-97

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