

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

A Bill

HOUSE BILL 1222

5 By: Representative S. Smith
6

For An Act To Be Entitled

8 AN ACT TO REPEAL THE LAW CONCERNING MUNICIPAL
9 DEPARTMENTS OF PUBLIC SAFETY; AND FOR OTHER PURPOSES.

Subtitle

10 TO REPEAL THE LAW CONCERNING MUNICIPAL
11 DEPARTMENTS OF PUBLIC SAFETY.
12

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
14

15 SECTION 1. Arkansas Code Title 14, Chapter 42, Subchapter 4, is
16 repealed.

~~Subchapter 4~~

~~—Departments of Public Safety~~

17 ~~14-42-401.—Authority to create generally.~~

18 ~~The governing body of any city of the first or second class which is~~
19 ~~incorporated after December 31, 1984, may create by ordinance a department of~~
20 ~~public safety.~~

21 ~~14-42-402.—Functions of department.~~

22 ~~A department of public safety shall perform the functions of, and have~~
23 ~~all the rights, responsibilities, and duties of, a police department, a fire~~
24 ~~department, and any other department deemed by the governing body of the city~~
25 ~~to be necessary for the public safety of its citizens, including, but not~~
26 ~~limited to, emergency medical services.~~

27 ~~14-42-403.—Director of department.~~
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2 ~~The governing body of a city may, by resolution, appoint, remove, and~~
3 ~~appoint successors to the position of director of the department of public~~
4 ~~safety, who shall be the chief executive officer of the department. However,~~
5 ~~in a city with a city manager form of government, the governing body may~~
6 ~~empower by ordinance either the city manager or the civil service commission~~
7 ~~to appoint, remove, and appoint successors to the position of director of the~~
8 ~~department of public safety.~~

9
10 ~~14-42-404.—Functions of employees.~~

11 ~~Employees of the department of public safety may perform the functions~~
12 ~~of police officers, firefighters, or other services the department may be~~
13 ~~empowered to undertake if the employee is qualified under standards adopted~~
14 ~~by the governing body of the city to perform these functions.~~

15
16 ~~14-42-405.—Work hours and benefits.~~

17 ~~For the purposes of regulating work hours, vacation days, sick leave,~~
18 ~~and other employee benefits, a department of public safety shall be deemed to~~
19 ~~be a fire department.~~

20
21 ~~14-42-406.—Death or disability benefits.~~

22 ~~Employees of a department of public safety shall be eligible for all~~
23 ~~county, state, or federal death or disability benefits provided for police~~
24 ~~officers or firefighters.~~

25
26 ~~14-42-407.—Pension programs.~~

27 ~~A department of public safety may participate in available pension~~
28 ~~programs in either the police or fire category, or both. However, no employee~~
29 ~~of the department shall accrue benefits in both categories at the same time.~~

30
31 ~~14-42-408.—Grants and other benefits.~~

32 ~~A department of public safety shall be entitled to all available~~
33 ~~county, state, and federal grants, turn-back moneys, loans, discounts, or~~
34 ~~other benefits of a similar nature available to other police or fire~~
35 ~~departments.~~

36

1 ~~14-42-409. Applicable regulations and laws.~~

2 ~~All applicable regulations and statutes regulating the conduct of~~
3 ~~police or fire departments or their functions shall apply to a department of~~
4 ~~public safety and its employees.~~

5
6 ~~14-42-410. Creation in certain other cities.~~

7 ~~(a)(1) The governing body of any city having a population, according~~
8 ~~to the 1970 Federal Decennial Census, of at least twenty one thousand~~
9 ~~(21,000) but less than twenty four thousand (24,000) may create by ordinance~~
10 ~~a department of public safety.~~

11 ~~(2) The department of public safety shall consist of a fire~~
12 ~~division and a public safety division.~~

13 ~~(b) Upon the creation of the department:~~

14 ~~(1) The existing police department shall be abolished and~~
15 ~~transferred to the public safety division; and~~

16 ~~(2) The existing fire department shall be abolished and~~
17 ~~transferred to the fire division.~~

18 ~~(c)(1) The officers of the public safety division shall have the~~
19 ~~duties and authority of law enforcement officers and shall also perform~~
20 ~~firefighting duties as directed by the executive officer of the public safety~~
21 ~~division.~~

22 ~~(2) Fire division personnel shall perform only firefighting~~
23 ~~duties and emergency medical service duties.~~

24 ~~(d)(1) The civil service commission shall appoint the director of the~~
25 ~~department of public safety, who shall be the chief executive officer of the~~
26 ~~department.~~

27 ~~(2) The executive officer of the public safety division and the~~
28 ~~executive officer of the fire division of municipalities subject to the civil~~
29 ~~service system law in § 14-51-301 et seq. shall hereafter be appointed as~~
30 ~~prescribed by § 14-51-301 et seq.~~

31
32 ~~14-42-411. Employees subject to civil service system.~~

33 ~~(a) All employees of the department of public safety who were subject~~
34 ~~to the civil service system at the time of their employment by the department~~
35 ~~shall remain subject to the system.~~

36 ~~(b) Nothing in this section and §§ 14-42-410, 14-42-412, and 14-42-413~~

1 shall be so construed as to reduce any right which any member of the existing
2 fire department or police department may have under any civil service or
3 retirement system.

4
5 ~~14-42-412. Participation in pension and relief funds.~~

6 ~~(a) Except as provided in § 14-42-413, the director of the department~~
7 ~~of public safety and members of the public safety division, to be known as~~
8 ~~public safety officers, shall participate in the policemen's pension and~~
9 ~~relief fund.~~

10 ~~(b) Personnel of the fire division shall participate in the firemen's~~
11 ~~relief and pension fund.~~

12
13 ~~14-42-413. Transfer of firefighter to public safety division.~~

14 ~~(a)(1) Any firefighter may transfer to the public safety division and,~~
15 ~~if he or she chooses, participate in the policemen's pension and relief fund.~~

16 ~~(2) As a condition precedent to this participation, the~~
17 ~~firefighter shall withdraw from the firemen's relief and pension fund the~~
18 ~~amount of his or her contributions and deposit them in the policemen's~~
19 ~~pension and relief fund, and thereupon receive years of service credit in the~~
20 ~~policemen's fund for the years served as a firefighter, if the years served~~
21 ~~as a firefighter were served in the city covered by this section and §§ 14-~~
22 ~~42-410 — 14-42-412.~~

23 ~~(b) Upon this written application for retirement, the board of~~
24 ~~trustees of the policemen's pension and relief fund shall place him or her on~~
25 ~~the pension roll at one-half ($\frac{1}{2}$) actual compensation based upon his or her~~
26 ~~highest compensation during his or her time of service as a public safety~~
27 ~~officer, after having completed not less than twenty (20) years' combined~~
28 ~~service as a public safety officer and firefighter.~~

29 ~~(c) In computing total years of service for retirement, the board of~~
30 ~~trustees of the policemen's pension and relief fund shall give credit for the~~
31 ~~time which the public safety officer shall have devoted to full-time duty as~~
32 ~~a public safety officer and also as a firefighter. However, no public safety~~
33 ~~officer shall be eligible to receive years of service credit served as a~~
34 ~~firefighter until he or she has completed a minimum of fifteen (15) years'~~
35 ~~service as a public safety officer.~~

36

1 ~~14-42-414—14-42-420. [Reserved.]~~

2 ~~14-42-421. Cities of the second class and incorporated towns—~~
3 ~~Creation—Functions.~~

4 ~~(a) The governing body of any city of the second class or incorporated~~
5 ~~town may create by ordinance a department of public safety.~~

6 ~~(b) A city or town department of public safety shall perform the~~
7 ~~functions of, and have all the rights, responsibilities, and duties of, a~~
8 ~~police department or the city or town marshal's office and a municipal fire~~
9 ~~department. Further, it may perform any other departmental functions deemed~~
10 ~~by the governing body of the city or town to be necessary for the public~~
11 ~~safety of its citizens, including, but not limited to, emergency medical~~
12 ~~services, ambulance services, or building and health code enforcement.~~

13
14 ~~14-42-422. Cities of the second class and incorporated towns—~~
15 ~~Director—Transfer of existing departments.~~

16 ~~(a) Once the department is formed, the mayors in cities of the second~~
17 ~~class and incorporated towns shall have the power to appoint and remove the~~
18 ~~director of the department of public safety, unless the city or town council~~
19 ~~shall vote by a two-thirds majority of the total membership of the council to~~
20 ~~override the mayor's action.~~

21 ~~(b) Upon the creation of the department, the existing police~~
22 ~~department or the city or town marshal's office and the existing fire~~
23 ~~department shall be abolished and transferred to the department of public~~
24 ~~safety.~~

25
26 ~~14-42-423. Cities of the second class and incorporated towns—~~
27 ~~Employees.~~

28 ~~Employees of the department of public safety may perform the functions~~
29 ~~of police officers, firefighters, or other services the department may be~~
30 ~~empowered to undertake if the particular employee is qualified under~~
31 ~~standards adopted by the governing body of the city to perform these~~
32 ~~functions and is in compliance with and qualified or certified by the~~
33 ~~applicable state laws.~~

34
35 ~~14-42-424. Cities of the second class and incorporated towns—~~
36 ~~Employee benefits and pension programs.~~

1 ~~(a) For the purposes of regulating work hours, vacation days, sick~~
2 ~~leave, and other employee benefits, a department of public safety shall be~~
3 ~~deemed to be a fire department.~~

4 ~~(b) A department of public safety may participate in available pension~~
5 ~~programs in either the police or fire category, or both, and conditioned on~~
6 ~~their creation and availability within the particular city or town. However,~~
7 ~~no employee of the department shall accrue benefits in both categories at the~~
8 ~~same time.~~

9 ~~(c) Volunteers for fire services provided by the department of public~~
10 ~~safety may accrue benefits as volunteer firefighters.~~

11 ~~(d) Employees of a department of public safety shall be eligible for~~
12 ~~all county, state, or federal death or disability benefits provided for~~
13 ~~police officers or firefighters.~~

14
15 ~~14-42-425. Cities of the second class and incorporated towns — Grants~~
16 ~~—Applicable regulations and laws.~~

17 ~~(a) A department of public safety shall be entitled to all available~~
18 ~~county, state, and federal grants, turnback money, insurance premium tax~~
19 ~~funds, loans, discounts, or other benefits of a similar nature available to~~
20 ~~police or fire departments for training or equipment.~~

21 ~~(b) All applicable regulations and statutes regulating the~~
22 ~~certification of law enforcement officers, the certification of fire~~
23 ~~departments, and the conduct of police or fire departments or their functions~~
24 ~~shall apply to a department of public safety and its employees.~~

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27 **APPROVED: 2/14/19**
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