

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.  
10

### Subtitle

11 TO REPEAL THE LAW CONCERNING MUNICIPAL  
12 DEPARTMENTS OF PUBLIC SAFETY.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 14, Chapter 42, Subchapter 4, is  
20 repealed.

#### ~~Subchapter 4~~

#### ~~—Departments of Public Safety~~

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24 ~~14-42-401. Authority to create generally.~~

25 ~~The governing body of any city of the first or second class which is~~  
26 ~~incorporated after December 31, 1984, may create by ordinance a department of~~  
27 ~~public safety.~~  
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29 ~~14-42-402. Functions of department.~~

30 ~~A department of public safety shall perform the functions of, and have~~  
31 ~~all the rights, responsibilities, and duties of, a police department, a fire~~  
32 ~~department, and any other department deemed by the governing body of the city~~  
33 ~~to be necessary for the public safety of its citizens, including, but not~~  
34 ~~limited to, emergency medical services.~~  
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36 ~~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.~~

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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.~~

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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.~~

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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.~~

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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.~~

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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.

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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.~~

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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.~~

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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.~~

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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.~~

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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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