

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1366

4
5 By: Representative Rodgers
6
7

For An Act To Be Entitled

8
9 "AN ACT TO CREATE THE ARKANSAS DEPARTMENT OF PUBLIC
10 SAFETY; AND FOR OTHER PURPOSES."

Subtitle

11
12
13 "TO CREATE THE ARKANSAS DEPARTMENT OF
14 PUBLIC SAFETY."
15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
17

18 SECTION 1. (a) Effective July 1, 1999, there is created the Arkansas
19 Department of Public Safety.

20 (b) The Arkansas Department of Public Safety shall consist of a
21 Criminal Law Enforcement Division, a Traffic Law Enforcement Division, an
22 Administration Division and any other divisions which may be created by law
23 and placed under the Arkansas Department of Public Safety.

24 (c) The Arkansas Department of Public Safety shall establish a salary
25 and grade structure, benefits and retirement system and shall use the
26 Department of Arkansas State Police salary and grade structure, benefits and
27 retirement system existing on January 1, 1999, as a model.
28

29 SECTION 2. (a) There is created within the Arkansas Department of
30 Public Safety the Public Safety Commission. The Public Safety Commission
31 shall consist of seven (7) members to be appointed as follows:

32 (1) The Director of the Arkansas State Highway and Transportation
33 Department or his or her designee;

34 (2) Adjutant General of the State Military Department or his or
35 designee;

36 (3) The Secretary of State or his or her designee;

1 (4) The Director of the Department of Finance and Administration
 2 or his or her designee; and

3 (5) Three (3) members to be appointed by the Governor.

4 (A) The members appointed by the Governor shall be
 5 appointed for three-year staggered terms, to be assigned by lot. The terms
 6 shall commence on January 15 of each year.

7 (B) In the event of a vacancy on the commission in one of
 8 the positions appointed by the Governor, for any reason other than expiration
 9 of a regular term, the vacancy shall be filled for the unexpired portion of
 10 the term by appointment of the Governor.

11 (b) The commission shall annually select by majority vote one (1) of
 12 its members to serve as a chairperson and one (1) to serve as vice
 13 chairperson.

14 (c) Members of the commission shall not be entitled to compensation for
 15 their services but may receive expense reimbursement and a stipend not to
 16 exceed fifty dollars (\$50) per meeting in accordance with Arkansas Code 25-16-
 17 902 and 25-16-903.

18 (d) The commission shall hold its first meeting during July, 1999 at a
 19 place designated by the Governor. Subsequent meetings will be held quarterly
 20 or at the call of the chairperson.

21 (e) A majority of the members of the commission shall constitute a
 22 quorum for the transaction of business and to perform such duties as the
 23 commission may prescribe.

24
 25 SECTION 3. (a) The Public Safety Commission may adopt bylaws
 26 regulating the transaction of its business and provide within the bylaws for
 27 the appointment of committees to whom the commission may delegate authority
 28 and power for all duties committed to the commission, but under the direction
 29 and subject to the control of the Public Safety Commission. The Commission
 30 may also adopt and use an official seal.

31 (b) The Public Safety Commission is authorized to adopt reasonable
 32 rules, regulations and procedures, not inconsistent with the law, which the
 33 Commission deems desirable for the effective administration of the Arkansas
 34 Department of Public Safety and any of its divisions.

35
 36 SECTION 4. (a) The executive head of the Department shall be the

1 Director of Public Safety. The Director shall be appointed by the Public
 2 Safety Commission, subject to approval by the Governor. The Director shall
 3 serve at the pleasure of the Commission.

4 (b) The Director of the Arkansas Department of Public Safety shall
 5 appoint the heads of the respective divisions. All personnel of the Arkansas
 6 Department of Public Safety shall be employed by and shall serve at the
 7 pleasure of the Director of the Arkansas Department of Public Safety.
 8 However, nothing in this section shall be so construed as to reduce any right
 9 which an employee of the Arkansas Department of Public Safety shall have under
 10 any civil service or merit system.

11 (c) Each division of the Arkansas Department of Public Safety shall be
 12 under the direction, control and supervision of the Director of the
 13 Department. The Director may delegate his functions, powers and duties to the
 14 various divisions of the Arkansas Department of Public Safety as he shall deem
 15 desirable and necessary for the effective and efficient operation of the
 16 Department.

17
 18 SECTION 5. (a) Effective January 1, 2000, the Department of Arkansas
 19 State Police is transferred by a Type 2 transfer as provided in Arkansas Code
 20 25-2-105 to the Arkansas Department of Public Safety.

21 (b) Effective January 1, 2000, the Highway Patrol Division of the
 22 Arkansas State Highway and Transportation Department is transferred by a Type 2
 23 transfer as provided in Arkansas Code 25-2-105 to the Arkansas Department of
 24 Public Safety.

25 (c) Effective January 1, 2000, the Alcoholic Beverage Control Enforcement
 26 Division of the Alcoholic Beverage Control Board is transferred by a Type 2
 27 transfer as provided in Arkansas Code 25-2-105 to the Arkansas Department of
 28 Public Safety.

29 (d) Effective January 1, 2000, the State Capitol Police is transferred by
 30 a Type 2 transfer as provided in Arkansas Code 25-2-105 to the Arkansas
 31 Department of Public Safety.

32 (e) Effective January 1, 2000, the Arkansas Supreme Court enforcement
 33 officer position is transferred by a Type 2 transfer as provided in Arkansas
 34 Code 25-2-105 to the Arkansas Department of Public Safety.

35 (f) Effective January 1, 2000, the Civilian Police Department at Camp
 36 Robinson is transferred by a Type 2 transfer as provided in Arkansas Code 25-2-

1 105 to the Arkansas Department of Public Safety.

2 (g) For purposes of this Act, the Arkansas Department of Public Safety
3 shall be considered a principal department established by Act 38 of 1971.

4
5 SECTION 6. All other statutory authority, powers, duties, functions,
6 records, property and funds administered or provided by other support divisions
7 within the divisions or departments transferred by this Act shall be transferred
8 by a Type 2 transfer as provided in Arkansas Code 25-2-105 to the Arkansas
9 Department of Public Safety on January 1, 2000.

10
11 SECTION 7. The divisions and departments transferred in this Act and
12 the Department of Computer Services shall grant access to and provide
13 information as determined by the Arkansas Department of Public Safety
14 necessary to successfully accomplish its mission.

15
16 SECTION 8. The Arkansas Department of Public Safety shall be subject to
17 the Administrative Procedure Act.

18
19 SECTION 9. Disbursement of funds authorized by this Act shall be
20 limited to the appropriation for the agency being transferred and funds made
21 available by law for the support of such appropriations; and the restrictions
22 of the State Purchasing Law, the General Accounting and Budgetary Procedures
23 Law, the Revenue Stabilization Law, the Regular Salary Procedures and
24 Restrictions Act, or their successors, and other fiscal control laws of this
25 state, where applicable, and regulations promulgated by the Department of
26 Finance and Administration, as authorized by law, shall be strictly complied
27 with in disbursement of said funds.

28
29 SECTION 10. It is the intent of the General Assembly that any funds
30 disbursed under the authority of the appropriations transferred or referred to
31 in this Act shall be in compliance with the stated reasons for which this Act
32 was adopted, as evidenced by the agency requests, executive recommendations
33 and legislative recommendations contained in the budget manuals prepared by
34 the Department of Finance and Administration, letters, or summarized oral
35 testimony in the official minutes of the Arkansas Legislative Council or Joint
36 Budget Committee which relate to its passage and adoption.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 11. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 12. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 13. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 14. EMERGENCY CLAUSE. It is hereby found and determined by the Eighty-second General Assembly, that the provisions of this Act are of critical importance to preserve the efficient operation of programs that deliver services to the citizens of the State of Arkansas. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.