

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1288

5 By: Representative T. Bradford
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE ABILITY OF A MUNICIPALITY TO
9 CREATE A DEPARTMENT OF PUBLIC SAFETY; AND FOR OTHER
10 PURPOSES.
11

Subtitle

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13
14 CONCERNING THE ABILITY OF A MUNICIPALITY TO
15 CREATE A DEPARTMENT OF PUBLIC SAFETY.
16

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 14-42-401 is amended to read as follows:

21 14-42-401. Authority to create generally.

22 The governing body of any city ~~of the first or second class which is~~
23 ~~incorporated after December 31, 1984~~, or incorporated town may, by
24 ordinance, create a department of public safety.
25

26 SECTION 2. Arkansas Code § 14-42-402 is amended to read as follows:

27 14-42-402. Functions of department.

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

34 SECTION 3. Arkansas Code § 14-42-403 is amended to read as follows:

35 14-42-403. Director of department.

36 ~~The governing body of a city may, by resolution, appoint, remove, and~~



1 ~~appoint successors to the position of director of the department of public~~
 2 ~~safety, who shall be the chief executive officer of the department. However,~~
 3 ~~in a city with a city manager form of government, the governing body may, by~~
 4 ~~ordinance, empower either the city manager or the civil service commission to~~
 5 ~~appoint, remove, and appoint successors to the position of director of the~~
 6 ~~department of public safety. The director of the department of public safety~~
 7 ~~shall be appointed and removed under 14-42-110.~~

8
 9 SECTION 4. Arkansas Code § 14-42-404 is amended to read as follows:

10 14-42-404. Functions of employees.

11 Employees of the department of public safety may perform the functions
 12 of police officers, fire fighters, 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 and holds any
 15 required state certifications.

16
 17 SECTION 5. Arkansas Code § 14-42-410 is amended to read as follows:

18 14-42-410. Creation ~~in certain other cities~~ and transfer.

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

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

25 (b) Upon the creation of the department:

26 (1) The existing police department shall be abolished and
 27 transferred to the public safety division; and

28 (2) The existing fire department shall be abolished and
 29 transferred to the fire division.

30 (c)(1) The officers of the public safety division shall have the
 31 duties and authority of law enforcement officers and shall also perform fire
 32 fighting duties as directed by the ~~executive officer~~ director of the public
 33 safety ~~division~~ department, the chief executive officer of the city or town,
 34 or the governing body of the city or town as allowed by law.

35 (2) Fire division personnel shall perform only fire fighting
 36 duties and emergency medical service duties as directed by the director of

1 the public safety department, the chief executive officer of the city or
 2 town, or the governing body of the city or town as allowed by law.

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

6 ~~(2) The executive officer of the public safety division and the~~
 7 ~~executive officer of the fire division of municipalities subject to the civil~~
 8 ~~service system law in § 14-51-301 et seq. shall hereafter be appointed as~~
 9 ~~prescribed by § 14-51-301 et seq. Unless the ordinance creating the~~
 10 department of public safety states the civil service commission of the city
 11 will be retained if in existence, then the civil service commission of the
 12 city shall be abolished upon the creation of the department of public safety.

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 14 SECTION 6. Arkansas Code § 14-42-411 is repealed.

15 ~~14-42-411. Employees subject to civil service system.~~

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

19 ~~(b) Nothing in this section and §§ 14-42-410, 14-42-412, and 14-42-413~~
 20 ~~shall be so construed as to reduce any right which any member of the existing~~
 21 ~~fire department or police department may have under any civil service or~~
 22 ~~retirement system.~~

23
 24 SECTION 7. Arkansas Code § 14-42-412 is amended to read as follows:

25 14-42-412. Participation in pension and relief funds and protection of
 26 rights.

27 (a) Except as provided in § 14-42-413, the director of the department
 28 of public safety and members of the public safety division, to be known as
 29 public safety officers, shall participate in the policemen's pension and
 30 relief fund.

31 (b) Personnel of the fire division shall participate in the firemen's
 32 relief and pension fund.

33 (c) This section does not reduce the rights that any member of an
 34 existing fire or police department has under any retirement system.

35
 36 SECTION 8. Arkansas Code § 14-42-421 is repealed.

1 ~~14-42-421. Second class cities and towns—Creation—Functions.~~

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

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

11
12 SECTION 9. Arkansas Code § 14-42-422 is repealed.

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

15 ~~(a) Once the department is formed, the mayors in cities of the second~~
16 ~~class and incorporated towns shall have the power to appoint and remove the~~
17 ~~director of the department of public safety, unless the city or town council~~
18 ~~shall, by a two-thirds (2/3) majority of the total membership of the council,~~
19 ~~vote to override the mayor's action.~~

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

24
25 SECTION 10. Arkansas Code § 14-42-423 is repealed.

26 ~~14-42-423. Cities of the second class and towns—Employees.~~
27 ~~Employees of the department of public safety may perform the functions~~
28 ~~of police officers, fire fighters, or other services the department may be~~
29 ~~empowered to undertake if the particular employee is qualified under~~
30 ~~standards adopted by the governing body of the city to perform these~~
31 ~~functions and is in compliance with and qualified or certified by the~~
32 ~~applicable state laws.~~

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34 SECTION 11. Arkansas Code § 14-42-424 is repealed.

35 ~~14-42-424. Cities of the second class and towns—Employee benefits~~
36 ~~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 fire fighters.~~

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 fire fighters.~~

14
15 SECTION 12. Arkansas Code § 14-42-425 is repealed.

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

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

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

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