

Act 439 of the 1989 Regular Session.

Act 439

SB429

By: Senator Dowd

"AN ACT TO CLARIFY THE POWERS AND DUTIES OF CIVIL SERVICE COMMISSIONS FOR POLICE AND FIRE FIGHTERS BY AMENDING ARK. CODE ANN. 14-51-101, ET SEQ.; AND FOR OTHER PURPOSES."

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

SECTION 1. The powers and duties of every Civil Service Commission established pursuant to Act 28 of 1933, as amended (Arkansas Code 14-51-101 et seq.), shall be and are hereby expressly limited such that the said Commissions shall not have any control nor shall said Commissions attempt to exercise any control over the normal and routine day to day operations of a police or fire department, directly or indirectly. No provision of Ark. Code Ann.

14-51-101, et seq. shall be construed to provide authorization to said Commissions to have such authority.

SECTION 2. Arkansas Code 14-51-301(c) is hereby amended to read as follows:

"(c) the Commission shall adopt such rules not inconsistent with this chapter for necessary enforcement of this chapter, but shall not adopt any rule or rules which would authorize any interference with the day to day management or operation of a police or fire department."

SECTION 3. 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 4. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. Emergency. It is hereby found and determined by the General Assembly that the powers and duties of Civil Service Commissions established pursuant to Act 28 of 1933, as amended, require immediate clarification in that such commissions' interference with the day to day operations and management of police and fire departments is contrary to the efficient and effective operation of such departments and is injurious to the public health, safety and welfare. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: March 9, 1989

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