

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1067

By: Representative Givens

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 14-43-504(e) AND ARKANSAS CODE 14-44-111 TO REQUIRE THAT POLICE AND FIRE CHIEFS OF FIRST CLASS CITIES NOT COVERED BY CIVIL SERVICE AND APPOINTED POLICE CHIEFS OR CITY MARSHALS OF SECOND CLASS CITIES NOT BE REMOVED EXCEPT FOR JUST CAUSE; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 14-43-504(e) is hereby amended to read as follows:

"(e) The mayor of any city of the first class shall, in addition to the powers and duties already pertaining to that office, be clothed with, and exercise and perform, the following:

(1) (A) A mayor shall have the power to veto, within five (5) days, Sundays excepted, after the action of the city council thereon, any ordinance, resolution, or order adopted or made by the council, or any part thereof, which in his judgment is contrary to the public interests.

(B) (i) In case of a veto, before the next regular meeting of the council, the mayor shall file in the office of the city clerk, to be laid before that meeting, a written statement of his reasons for so doing.

(ii) No such ordinance, resolution, or order, or part thereof, vetoed by the mayor shall have any force or validity unless, after the written statement is laid before it, the council shall, by a vote of two-thirds (2/3) of all the aldermen elected thereto, pass it over the veto;

(2) Mayors of cities whose police and fire departments are not covered by civil service shall have the power to choose and appoint the chief of the police department and chief of the fire department, who shall hold such office with successive administrations, unless terminated for cause;

(3) (A) (i) The mayor shall have the right to suspend for

inefficiency, misconduct, or neglect of duty the chief of the police department and chief of the fire department until the next regular, adjourned, or special meeting of the council.

(ii) At that meeting, he shall lay the matter before the council. Unless his action is approved and the chief is removed from office at the meeting within five (5) days thereafter, by a vote of a majority of the council-elect, the suspension shall cease.

(B) No officer shall be suspended twice for the same cause."

SECTION 2. Arkansas Code 14-44-111 is hereby amended to read as follows:

"14-44-111. Election or appointment of marshal. The city marshal of cities of the second class shall be elected by the voters as provided by law. However, the city council of any such city, if the council deems it to be in the best interests of the city, and upon passage of an ordinance by the majority of the council, may provide that the marshal or chief of police shall be appointed by the mayor and shall be removed by the mayor only when cause exists unless the council shall, by a two-thirds (2/3) majority of the total membership of the council, vote to override the mayor's action."

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.