1 State of Arkansas

2 87th General Assembly

A Bill

3 Regular Session, 2009   HOUSE BILL 2161

4

5 By: Representative J. Burris

6

7

8 ## For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT POLICE CHIEFS ARE NOT

10 DEPARTMENT HEADS FOR PURPOSES OF ARKANSAS CODE §

11 14-42-110; AND FOR OTHER PURPOSES.

12

13 ## Subtitle

14 TO PROVIDE THAT POLICE CHIEFS ARE NOT

15 DEPARTMENT HEADS FOR PURPOSES OF

16 ARKANSAS CODE § 14-42-110.

17

18

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

20

21   SECTION 1. Arkansas Code 14-42-110(b) and (c) concerning the

22 appointment and removal of department heads are amended to read as follows:

23   (b)(1) City managers in cities having a city manager form of

24 government shall have the power to appoint and remove all department heads.

25   (2) In cities with a city manager form of government and with

26 civil service commissions, the civil service commission shall have the power

27 to override the city manager's appointment or removal of the ~~police or~~ fire

28 chief by a majority vote of the total membership of the commission.

29   (c)(1) ~~The provisions of this~~ This section ~~shall~~ does not apply to

30 department heads not under the control of the governing body of the city and

31 shall not apply to cities having a city administrator form of government.

32   (2)(A) This section does not apply to police chiefs.

33   (B) Police chiefs may be removed only for inefficiency,

34 misconduct, or neglect of duty.

35   (C) In cities of the first class, cities of the second

36 class, and incorporated towns, the city or town council by a two-thirds (2/3)

1   majority of the total membership of the council may vote to override the

2   mayor's action under subdivision (c)(2)(B) of this section.

3   (D) In cities with a city manager form of government and

4   with civil service commissions, the civil service commission may override the

5   city manager's removal of the police chief under subdivision (c)(2)(B) of

6   this section by a majority vote of the total membership of the commission.

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