

2016 Regular Session

SENATE BILL NO. 365

BY SENATOR MIZELL

LOCAL OFFICIALS. Removes the Bogalusa Chief of Police from civil service. (gov sig)

1 AN ACT

2 To enact R.S. 33:2541.5, relative to the city of Bogalusa; to provide relative to the municipal
3 fire and police civil service; to provide that the position of chief of police for the city
4 of Bogalusa shall be in the unclassified service; to provide authority for selection,
5 appointment, supervision, and discharge of such position; and to provide for related
6 matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:2541.5 is hereby enacted to read as follows:

10 **§2541.5. Police chief; city of Bogalusa; unclassified service**

11 **A.(1) Notwithstanding any provision of law to the contrary, the position**
12 **of chief of police for the city of Bogalusa shall be in the unclassified service, and**
13 **the right of selection, appointment, supervision, and discharge for such position**
14 **shall be vested in the mayor of the city. The appointment and selection of the**
15 **chief of police shall be subject to the approval of the municipal governing**
16 **authority.**

17 **(2) The chief of police shall have not less than five years of full-time law**

1 enforcement experience and shall have successfully completed a certified
 2 training program approved by the Peace Officer Standards and Training
 3 Council. Any person appointed to the position of chief of police shall meet all
 4 qualifications and requirements as provided in the municipal compensation
 5 plan in effect at the time of his appointment.

6 B. Any person who resigns from a position in the classified service to
 7 accept an appointment as chief of police shall not forfeit his seniority
 8 accumulated to the date of his resignation, but he shall not accumulate seniority
 9 during the time he is not in the classified service. If any such person resigns
 10 from the position of chief of police or is terminated for any reason other than
 11 malfeasance in office, he shall be eligible to be reemployed to the same position
 12 in the classified service in which he was employed immediately preceding his
 13 resignation from the classified service. If the position has been filled or no
 14 longer exists, then his employer shall employ him in a comparable position.

15 Section 2. The provisions of this Act are prospective only and shall not apply to the
 16 individual occupying the position of chief of police for the city of Bogalusa on the effective
 17 date of this Act.

18 Section 3. This Act shall become effective upon signature by the governor or, if not
 19 signed by the governor, upon expiration of the time for bills to become law without signature
 20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 22 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 365 Original 2016 Regular Session Mizell

Present constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is subject to Art. XIV, §15.1 of the 1921 constitution made statutory by the 1974 constitution.

Present law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which

has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons.

Proposed law retains present law.

Present law, relative to both systems, provides that the classified service shall comprise every position, except those in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government. Provides that the positions of fire chief and police chief shall be in the classified service. Provides further with respect to which positions are in the classified and unclassified service.

Proposed law retains present law but provides an exception for the position of police chief for the city of Bogalusa.

Proposed law, relative to Bogalusa chief of police provides that such position is in the unclassified service, and provides that the right of selection, appointment, supervision, and discharge for such position is vested in the mayor of the city. Further provides that the appointment of the police chief shall be subject to the approval of the municipal governing authority.

Proposed law provides further that any person who resigns from a position in the classified service to accept an appointment as police chief shall not forfeit his seniority accumulated to the date of his resignation. Provides that no such person shall accumulate seniority during the time he is not in the classified service. Further provides that if any such person resigns from such position or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to the same position in the classified service in which he was employed immediately preceding his resignation from the classified service. Provides that if the position has been filled or no longer exists, then his employer shall employ him in a comparable position.

Proposed law provides that the provisions of proposed law are prospective only and shall not apply to the individual occupying the position of chief of police for the city of Bogalusa on the effective date of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:2541.5)