

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 must meet the following requirements:**

1           (a) Have at least eight years of progressively responsible experience in  
2           law enforcement positions, at least two years of which must have been in  
3           positions that included administrative or supervisory responsibilities.

4           (b) Have law enforcement experience in patrol operations, criminal  
5           investigations, public training, and related areas of police department  
6           operations and management.

7           (c) Pass a medical examination designed to demonstrate good mental and  
8           physical health sufficient to perform any required duties of the position.

9           (d) Be a resident of Washington Parish or willing to become a resident  
10          of Washington Parish within ninety days of employment.

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

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

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

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The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

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DIGEST

SB 365 Engrossed                      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 requires that the chief of police meet the following requirements:

- (1) Have at least 8 years of progressively responsible experience in law enforcement positions, at least 2 years of which must have been in positions that included administrative or supervisory responsibilities.
- (2) Have law enforcement experience in patrol operations, criminal investigations, public training, and related areas of police department operations and management.
- (3) Pass a medical examination designed to demonstrate good mental and physical health sufficient to perform any required duties of the position.
- (4) Be a resident of Washington Parish or willing to become a resident of Washington Parish within 90 days of employment.

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)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. The amendments affected the chief of police position as follows:
  - (i) Changes the law enforcement experience requirement from not less than five years to a specific listing of the types and number of years required.
  - (ii) Removes requirement that the person have POST certification and meets the qualifications and requirements of the municipal compensation plan.
  - (iii) Requires the passage of a medical examination designed to demonstrate good mental and physical health sufficient to perform all required duties.
  - (iv) Adds a residency requirement.