

Regular Session, 2010

HOUSE BILL NO. 653

BY REPRESENTATIVE KLECKLEY

FIRE PROTECT/FIRE DEPTS: Provides for a term of office for the Lake Charles fire chief

1 AN ACT

2 To amend and reenact R.S. 33:2481.2, relative to the fire chief of Lake Charles; to provide
3 for a term for the fire chief; to provide for reappointment or appointment of a new
4 fire chief and procedures therefor; and to provide for related matters.

5 Notice of intention to introduce this Act has been published
6 as provided by Article III, Section 13 of the Constitution of
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:2481.2 is hereby amended and reenacted to read as follows:

10 §2481.2. Lake Charles police chief; term of office

11 A. The city of Lake Charles may, by amendment to its home rule charter in
12 accordance with law, establish procedures for the appointment of the position of
13 police chief for a term of not less than six years. The position shall be a classified
14 position, but the person appointed chief shall be subject to removal or reappointment
15 at the expiration of the term of office in accordance with the procedures established
16 by the city charter. The mayor may reappoint the police chief to a subsequent term
17 in accordance with the provisions set forth in the city charter. If the mayor does not
18 reappoint the police chief for a subsequent term, the new police chief must be
19 appointed from a list of qualified candidates who have completed the same

1 application process which applies to any other civil service applicant including
2 competitive testing and evaluation.

3 B. The mayor of the city of Lake Charles may appoint a person to the
4 position of fire chief for a term of not less than six years. The position shall be a
5 classified position, but the person appointed chief shall be subject to removal or
6 reappointment at the expiration of the term of office in accordance with this Section.
7 The mayor may reappoint the fire chief to a subsequent term of not less than six
8 years or the mayor may declare a vacancy in the position of fire chief and appoint
9 another person to serve for the subsequent term. If the mayor does not reappoint the
10 fire chief for the subsequent term, the new fire chief must be appointed from a list
11 of qualified candidates who have completed the same application process which
12 applies to any other civil service applicant, including competitive testing and
13 evaluation. The appointment or reappointment of a fire chief shall be subject to
14 approval by the favorable vote of a majority of the members of the city council.

15 C. Except as provided in this Section, the office of police chief and the office
16 of fire chief shall be subject to all provisions of this Part and all rules and regulations
17 adopted by the state examiner and by the local fire and police civil service board.

18 Section 2. The provisions of this Act, relative to a term for the fire chief of Lake
19 Charles, shall not be applicable to any person appointed to the position of fire chief prior to
20 the effective date of this Act.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Kleckley

HB No. 653

Abstract: Provides for a term, not less than six years, for the fire chief of Lake Charles.

Present law creates a municipal fire and police civil service system governing employment in the fire and police departments in cities with a population of greater than 13,000 but less than 250,000. Provides for inclusion of the police chief and the fire chief in the classified civil service and for selection and appointment to such positions in accordance with civil service laws. General law does not provide for a term for a police chief or a fire chief.

Present law, relative to the city of Lake Charles, authorizes the city by amendment to its home rule charter in accordance with law to establish procedures for appointment of the police chief for a term of not less than six years. Specifies that the position is a classified position, but provides that the person appointed police chief shall be subject to removal or reappointment at the expiration of the term in accordance with the procedures established by the city charter. Permits the mayor to reappoint the police chief in accordance with the city charter. Provides, if the mayor does not reappoint the police chief for a subsequent term, that the new police chief must be appointed from a list of qualified candidates who have completed the same application process which applies to any other civil service applicant including competitive testing and evaluation. Further provides that the position of police chief in Lake Charles is subject to present law provisions relative to the municipal fire and police civil service system and all rules and regulations adopted by the state examiner and by the local fire and police civil service board, except to the extent in conflict with the specific present law provisions for the Lake Charles police chief. Provides that provisions for a term for the Lake Charles police chief are not applicable to any person appointed to the position of police chief prior to the effective date of the 2001 Act that added the provisions.

Present home rule charter (§4-19) of the city of Lake Charles provides for appointment of the police chief by the mayor for a six-year term in accordance with applicable state law. Provides that, upon expiration of the six-year term, the mayor may either reappoint the police chief to a subsequent six-year term or declare a vacancy in the position of police chief and appoint another person to that position in accordance with applicable state law. Requires approval by a majority vote of the council of both the original appointment of a chief and any subsequent reappointment. Provides that the six-year term commences upon appointment to fill a vacancy for any reason.

Present home rule charter (§4-17) of the city of Lake Charles provides that the fire chief shall be appointed by the mayor in accordance with applicable law.

Proposed law enacts similar provisions for the fire chief to those of present law for the police chief. Provides that the mayor may appoint a fire chief for a term of not less than six years. Provides that the position shall be a classified position, but makes the appointee subject to removal or reappointment at the expiration of his term. Authorizes the mayor to reappoint the fire chief to a subsequent term of not less than six years or declare a vacancy and appoint another person to serve the subsequent term. Provides that a new fire chief must be appointed from a list of qualified candidates who have completed the same application process which applies to any other civil service applicant, including competitive testing and evaluation. Provides that appointment or reappointment of a fire chief shall be subject to approval by the favorable vote of a majority of the city council members.

Proposed law specifies that it is not applicable to any person appointed to the position of fire chief prior to the effective date of the Act.

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

(Amends R.S. 33:2481.2)