

Regular Session, 2012

SENATE BILL NO. 496

BY SENATOR PERRY

MUNICIPALITIES. Provides relative to the authority of the chief of police for the city of Kaplan and the position of assistant to the chief of police. (8/1/12)

1 AN ACT

2 To amend and reenact Section 7(B) of Act No. 333 of the 1972 Regular Session of the
3 Louisiana Legislature as amended by Act No. 56 of the 1987 Regular Session of the
4 Louisiana Legislature and Act No. 17 of the 1998 First Extraordinary Session of the
5 Louisiana Legislature and to enact R.S. 33:423.23, relative to the city of Kaplan; to
6 provide for the authority of the chief of police regarding police personnel; to provide
7 that the position of assistant to the chief of police shall be in the unclassified service;
8 to provide for the authority of the assistant to the chief of police; and to provide for
9 related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:423.23 is hereby enacted to read as follows:

13 **§423.23. City of Kaplan; authority over personnel by elected chief of police**

14 **Notwithstanding the provisions of R.S. 33:423 or any other provision of**
15 **law to the contrary, in and for the city of Kaplan, the chief of police shall**
16 **appoint, promote, discipline, and dismiss police personnel subject to the**
17 **budgetary limitations of the mayor and the board of aldermen pertaining to the**

1 not more than two police dispatchers, who shall be paid an hourly wage and who
2 shall not be paid for more than twenty-four hours of work per pay period.

3 **(14) The assistant chief of police. The right of selection, appointment,**
4 **supervision, discipline, and discharge for this position shall be vested in the**
5 **chief of police of the city and in the absence of the chief of police, the assistant**
6 **chief shall have the authority to act as chief in the administration of the police**
7 **department. Any person who is appointed from a position in the classified**
8 **police service to serve as assistant chief of police shall not forfeit his seniority**
9 **accumulated to the date of his appointment and shall continue to accumulate**
10 **seniority during the time he holds the position of assistant chief of police.**

11 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST

Perry (SB 496)

Present law provides that in Lawrason Act municipalities where the chief of police is elected, he shall have certain additional powers and duties and make recommendations to the mayor and city council relative to the appointment of police personnel, the promotion of officers, disciplinary action, and the dismissal of police personnel.

Proposed law provides as an exception that the elected chief of police in the city of Kaplan shall have the authority to appoint, promote, discipline, and dismiss police personnel subject to the budgetary limitations of the mayor and the board of aldermen pertaining to the number of allotted positions for the police department. Further provides that proposed law shall not prohibit a police department employee from making a direct appeal to the city of Kaplan's civil service board.

Present law (Act 333 of the 1972 Regular Session) establishes and provides for a civil service system for the municipal employees of the city of Kaplan. Provides that certain positions in such municipal employment shall be unclassified and not subject to the provisions of present law. Includes in the unclassified service the following: mayor, board of aldermen, consulting engineer, city attorney, city prosecutor, city clerk, street commissioner, auditor, any elected officials, members of certain advisory boards and committees, joint employees of the city and other governmental agencies, and certain part-time labor.

Proposed law adds to the unclassified service the position of assistant chief of police. Provides that the right of selection, appointment, supervision, discipline, and discharge for the position will be with the chief of police of the city. Provides that in the absence of the chief of police, the assistant chief shall have the authority to act as chief in the administration of the police department. Also provides that any person who is appointed from a position in the classified police service to serve as assistant chief of police shall not forfeit his seniority accumulated to the date of his appointment and shall continue to accumulate seniority during the time he holds the position of assistant chief of police.

Effective August 1, 2012.

(Amends §7(B) of Act No. 333 of 1972 R.S. as amended; adds R.S. 33:423.23)\